

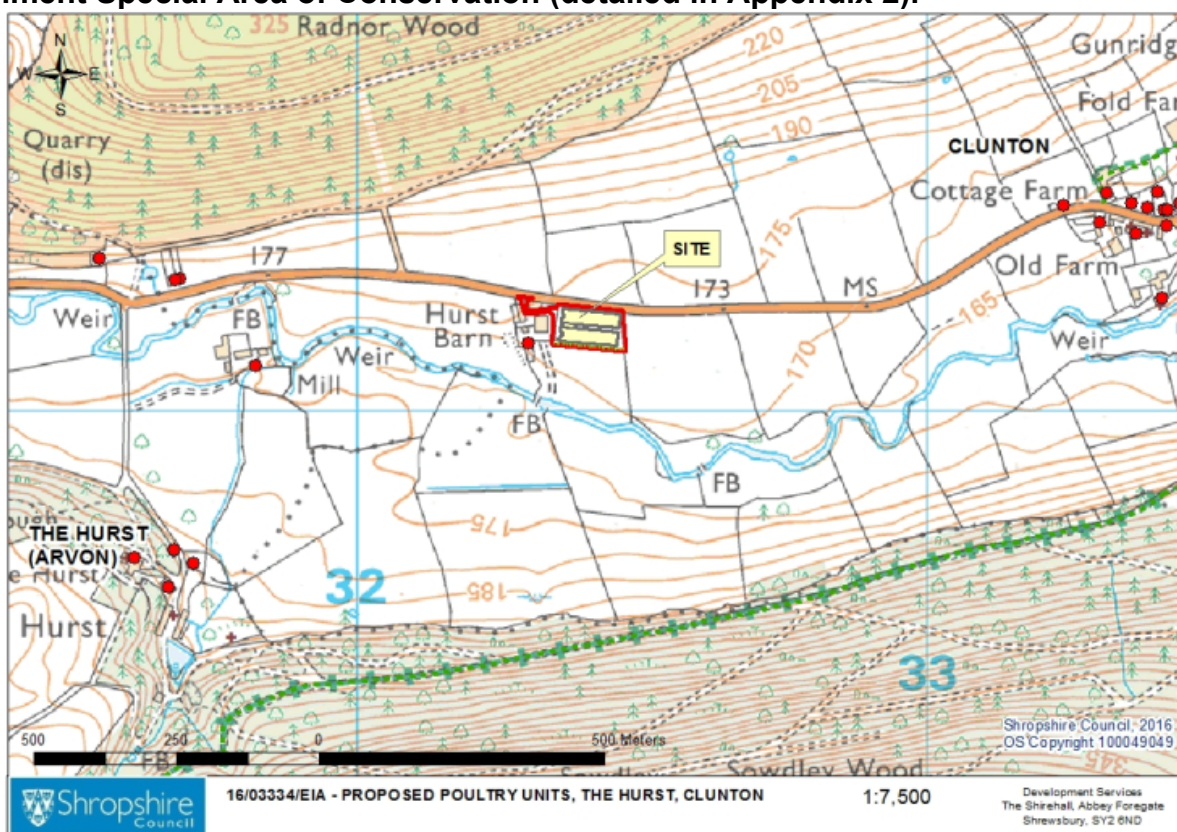
Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

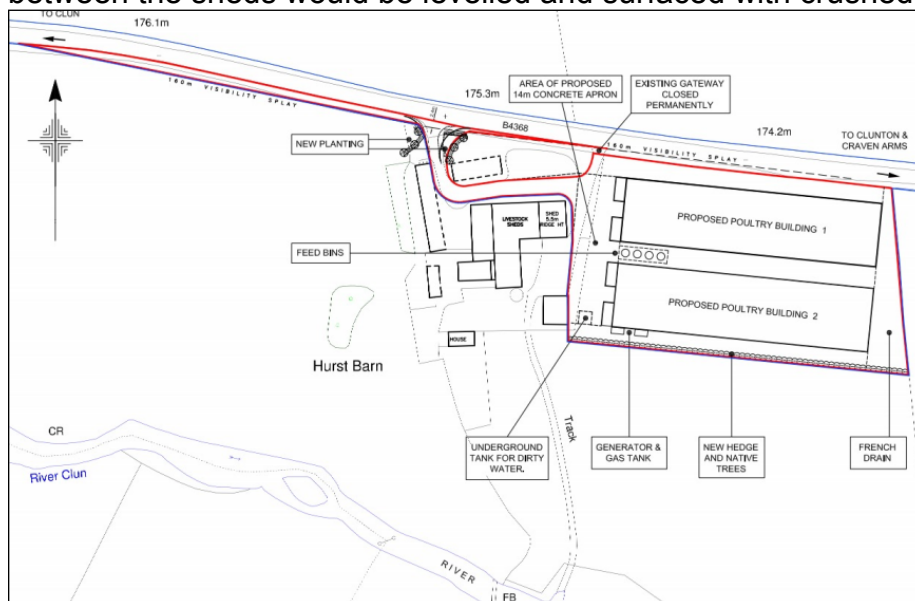
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| <u>Application Number:</u> 16/03334/EIA | <u>Parish:</u> Clunbury |
| <u>Proposal:</u> Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access | |
| <u>Site Address:</u> Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA | |
| <u>Applicant:</u> Mr Richard Jones | |
| <u>Case Officer:</u> Grahame French | <u>email:</u> planningdmc@shropshire.gov.uk |

Recommendation:- Approve subject to the conditions set out in Appendix 1 and to a legal agreement delivering off-site ecological mitigation measures to protect the Clun Catchment Special Area of Conservation (detailed in Appendix 2).



REPORT**1.0 THE PROPOSAL**

- 1.1 It is proposed to erect two poultry sheds at Hurst Barn. The site would house a total of approximately 100,000 broiler birds at any one time. Feed bins would be located between the buildings. The proposed buildings would be 97.53m long x 24.4m wide with a height of 4.6m to the ridge and 2.44m to eaves level. There would be an area of concrete for feed bins at the western end between the sheds. The remaining area between the sheds would be levelled and surfaced with crushed permeable stone.



- 1.2 The buildings would be constructed of steel portal frame with steel profile coated cladding fitted to the roof and walls. The applicant proposes slate blue cladding for the roof and feed bins. External lighting would be kept to the minimum requirement. The applicant proposes to install solar photovoltaic panels on the south facing roofs. There would be a wide concrete apron immediately to the west of the buildings which would be used for accessing the sheds.
- 1.3 Large double doors would provide vehicular access. Pedestrian access is via a Personnel door into the Control Room and then into the main part of each building. There would be an area of concrete for feed bins at the western end between the sheds. The remaining area between the sheds would be levelled and surfaced with crushed permeable stone.
- 1.4 The control room would include a specialist computer system which is thermostatically controlled to maintain the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting would also be controlled by the computer system.
- 1.5 The proposed unit would operate with 7 flocks per annum. Each rearing cycle takes 49 days including 42 days for broiler rearing and 7 days for cleaning out and preparation. At the end of each flock cycle the poultry manure is removed from the buildings by mechanical loader. All manure will be loaded into trailers which will be sheeted and

transported away from the site for disposal through spreading on agricultural land in accordance with the applicants manure management plan.

- 1.6 The proposals involve a landscaping scheme including strengthening existing hedgerows surrounding the site and inter-planting with trees. A new belt of tree planting is also proposed on the southern boundary of the field to the south of the site.

- 1.7 The application is supported by an Environmental Statement under Schedule 1 of the EIA Regulations.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The site (area 0.96ha) is located in the Shropshire Hills Area of Outstanding Natural Beauty on the Clun valley and 1km west of the village of Clunton. The B4368 Clun road passes to the immediate north.

- 2.2 The farmhouse at Hurst Barn is owned and occupied by the applicants and is the closest residential property. There are no other dwellings within a 400 metre radius of the proposed poultry site. The closest unrelated dwelling is Hurst Mill located approximately 500 metres due west from the proposed site. The area owned by the applicants at Hurst Barn extends to approximately 100 acres with a further 200 acres of adjoining rented land..

- 2.3 Consent was granted in 2012 (ref.12/01553/FUL) for a new livestock building within the application site area next to the existing farm buildings. The approved building measures 48.77m by 15.24m with an eaves height of 3.65m and a ridge level of 5.81m (i.e. a much smaller footprint than the current proposals but 1.2m higher).

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The application is referred to committee under the Council's Scheme of Delegation as the proposals relate to development under Schedule 1 of the Environmental Impact Assessment Regulations 2011.

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1i. Clunbury Parish Council (Objects). The Clunbury Parish Council meeting was held on Thursday 22nd September 2016 in the presence of the Applicant and his Agent, and a number of Clunton residents, some of whom expressed strong views, most of which you will have received as written objections. As the parish is in a uniquely sensitive area, the Council feel strongly that they have a responsibility when it comes to planning applications to give due regard to the effect on the environment, the risk to public health/safety and the protection of the AONB. Clunbury Parish Council is very sympathetic towards efforts to develop new business and employment and in this rural parish want to be helpful to farmers trying to make a living during these difficult times. However, we must also consider and balance the needs of other existing, important economic activities in the area - such as tourism.

- ii. The Parish Council wish to make the following points:

- We support the views of the AONB who consider the proposal to be unacceptable on that particular site
- The environmental impact would be substantial, particularly with regard to odour and dust pollution, the increase in heavy vehicles and noise of traffic through a residential area, and the potential "never" event of pollution of the River Clun during the increasing freak weather conditions
- Planning applications for much needed residential developments further from the river have apparently been refused due to the possibility of pollution of the River Clun
- Others have had restrictions imposed on the treatment of sewage and waste, with sealed cesspit tanks having to be emptied outside the Clun catchment area
- The Planning Application does not appear to include a Manure Management Plan that we can study
- We understand that an Environmental Permit and Habitat Regulations Assessment have still not been granted
- We are concerned that there is no confirmation in the application that best practice for this type of intense poultry farming is being followed. At an early Consultation Event, it was stated that the plans were to be RSPCA Freedom Food approved. However, the number and density of birds planned at Hurst Barn appears to be above the guidance levels of both RSPCA and DEFRA. See para E4.11 RSPCA Welfare Standards for chickens and DEFRA Broiler(meat) chickens - welfare recommendations
- There are an increasing number of poultry farms in the area, and Councillors feel that this application (and any others) should be looked at for the cumulative impact on the Shropshire Hills AONB, not just as individual cases.

iii. The Parish Council therefore voted to oppose the planning application, for the reason that it would be an inappropriate development of large intensive farming buildings in one of Shropshire's most acclaimed beautiful and historically important valley settings, with close proximity to the environmentally sensitive River Clun and the public highway, in an area that relies heavily on tourism.

4.1.2 Clun Town Council (Adjoining Parish): The Town Council wishes to object to this application on the following grounds:

- 1) Noise
- 2) Visual impact
- 3) Pollution
- 4) Traffic (in particular traffic travelling on narrow roads and through Clun and over Clun bridge which is unsuitable for HGVs)
- 5) Impact on the ecology of the river (through discharge of nitrates in an area where there are pearl water mussels - as part of SAMDEV, the EA raised concerns about development which may affect them until appropriate mitigation works requiring works by Severn Trent are complete).

4.1.3 Natural England (31/10/16): No objection subject to confirmation of the mechanism to secure the mitigation for the lifetime of the development and confirmation of any monitoring and enforcement measures and to the following comments:

- i. Internationally designated site

The application site is in close proximity to the River Clun, upstream of the River Clun Special Area of Conservation SAC, a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

- ii. **Habitats Regulations Assessment - Further information requested**
Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice. Developments of this nature have potential to cause significant damage to the water environment and we note extensive mitigation has been included within the planning application to inform your authority's Habitat Regulations Assessment and subsequent appropriate assessment. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects
- iii. Natural England is largely satisfied with the conclusions of the HRA however we seek clarification on how your authority aims to secure the mitigation for the lifetime of the development and confirmation of any monitoring and enforcement measures to ensure the mitigation scheme. This mitigation could be delivered in a number of ways to achieve the stated aims. For instance a reduction in nutrients could be achieved by reducing nutrient inputs to the entirety of the three fields indicated in the manure management plan or by creating wider buffer strips all along the river within the landholding or potentially only adding nutrients when testing informs that it is necessary. Confirmation on how the manure management plan will be secured and enforced would be useful. Additionally, Natural England would recommend water quality testing in the river possibly at an upstream location within the applicants' landholding and where the river exits the landholding through a monitoring scheme to demonstrate that the proposed mitigation is having the required effect and an outline of potential remedial action which may be required /implemented should the monitoring show declining water quality during construction and operation of the development.

***Note:** Natural England has been notified of the proposed measures which aim to secure the mitigation for the lifetime of the development. This would be achieved by means of a legal agreement securing significant reductions in nutrient reduction on surrounding agricultural land for the lifetime of the development coupled with planning conditions. NE has been re-consulted by the Council's Ecology section on an updated Habitat Risk Assessment which details these measures.*

- 4.1.4 **Historic England:** No objection. Historic England welcomes the addition of the Heritage Assessment (Castlering Archaeology, September 2016), which although not containing

Contact: Tim Rogers (01743) 258773

a full setting analysis does contain a visual analysis of the development on surrounding heritage assets, the results of which we would broadly concur with. Given the potential for undesignated archaeology within the development area the advice of the local authority's archaeological adviser should be sought and implemented in full. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.5 Shropshire Hills AONB Partnership: Objection on the basis that the proposals will have an adverse impact on the AONB, the extent of which has been downplayed in the application and also on the potential adverse impact on the Clun Catchment Social Area of Conservation. The detailed are reproduced as appendix 3.

4.1.6 Environment Agency: No objection subject to the following comments:

- i. Environmental Permitting Regulations: The proposed development will accommodate up to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. As stated in the submitted Environmental Statement (ES) a Permit application is to be submitted shortly. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.
- ii. Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership.
- iii. All pollution prevention guidance (PPGs) that was previously maintained by the Environment Agency has been withdrawn from use and can now be found on The National Archives (<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>) but may still be of assistance to inform the above. Pollution prevention guidance contained a mix of regulatory requirements and good practice advice. The Environment Agency does not

provide 'good practice' guidance. Current guidance explains how to: report an environmental incident, get permission to discharge to surface or groundwater, manage business and commercial waste, store oil and any oil storage regulations, discharge sewage with no mains drainage, work on or near water and manage water on land.

4.1.7 SC Highways: No objection subject to condition to provide additional internal widening, appropriate set back of access gate and additional confirmation of internal circulation arrangements.

- i. The application is for two poultry rearing units housing approximately 100,000 birds. The site has two vehicular accesses to the B4368, a derestricted (60mph) section of road between Craven Arms and Clun. The vehicle movements details associated with the poultry units and set out in Appendix 4 of the Environmental Statement contain some errors in calculation of the totals under "C" and "D" but essentially appear to reflect the likely movements per crop of birds. It should, however, be noted that the average figure of 1.8 movements per day does not reflect the peak periods within each crop cycle when vehicle movements are estimated to be up to 12 per day for a short period. The application includes improvements to the western vehicular access and the permanent closure of the eastern access. The western access improvements are set out in the submitted Drawings No's 8988-04 and 8988-05 Whilst the access strategy is acceptable in principle, it is considered that some further changes and additional information are required, as set out below:
- ii. Drawing 8988-04: The proposed access detail indicates approximately 16 metres between the B4368 carriageway edge and the existing gate within the site. In addition, the access narrows considerably towards the gate and is unlikely to be able to accommodate an HGV clear of the main road if there is a vehicle waiting to exit at the same time. There appears to be scope within the site to widen both the access and gate. The gate should be set back further than indicated to provide a standing area clear of the B4368 for the largest articulated vehicle likely to be used to service the poultry units. It is also considered that a swept-path analysis should be provided to demonstrate that articulated vehicles turning to and from the B4368 can be accommodated within the access radius improvements shown.
- iii. Drawing 8988-05: The drawing shows a 14 metre concrete apron to the west of the proposed poultry units, however, the ability of this area to accommodate HGV's turning within the site has not been demonstrated. It is considered that the HGV access and manoeuvring should be demonstrated with a swept-path analysis and that this should also include the access road shown. The 2.4 metre x 160 metre visibility splays indicated are considered to be acceptable for the likely speed of traffic on the B4368, however, details of how the visibility splays are to be formed is not clear. At the time of the site visit, the boundary hedge appeared to be largely unmaintained and this factor will need to be considered in the formation and safeguarding of the visibility splays. Traffic speeds on the B4368 are likely to be at, or near to, the 60mph speed limit and it is essential that the proposed visibility splays are not periodically restricted by growth between hedge maintenance. Details of the formation and long term safeguarding of the visibility splays is considered to be required for approval.
- iv. General: It should be noted that the most likely HGV route from the east (Craven Arms) has a bridge height restriction of 4.3 metres and this should be considered in terms of the routing or type of vehicles which will service the development. It is considered that

details of the means of permanent closure of the redundant eastern access should also be provided alongside a Construction Traffic Management Plan which should include a programme for the western access improvement works (preferably before any other construction activity on site) and the eastern access closure.

4.1.8 S.C.Ecology: No objection subject to conditions and informative notes. A Habitat Assessment Matrix has been provided.

- i. The applicant is applying for two poultry sheds at Hurst Barn, which will house a total of 100,000 broiler birds. The site is within the River Clun SAC Catchment. The applicant has provided sufficient detail for SC Ecology to complete a Habitat Regulations Assessment. The proposal is unlikely to have a negative effect on the integrity of the River Clun SAC providing appropriate planning conditions are on a decision notice.
- ii. Extended Phase 1 Habitat Survey Summary: The proposed broiler sheds site lies within an agricultural field which is bounded on the northern side by an intact field boundary hedgerow bordering Clun Road. The southern boundary is a timber post and wire fence and it is offset from the northern bank of the River Clun by varying distances. The eastern boundary of the proposed sheds site is demarcated by an intact mature field boundary hedgerow linking the roadside boundary hedgerow to the north bank of the River Clun. The western boundary is formed by the existing farmstead buildings and an intermittent field boundary hedgerow running southwards from the garden of the Hurst Barn farmhouse to meet the north bank of the River Clun.
- iii. Otter: There is favourable habitat for otter in the vicinity of the proposed development site, along the River Clun to the south. There is a mosaic of herbaceous vegetation along the banks, as well as a number of large mature trees, and this section of the river has no public rights of access, so it remains quiet and undisturbed. During the site walkover inspection on 18th February 2016, an adult otter was seen in broad daylight emerging from a dense stand of riparian tall herb vegetation on the southern bank of the river some, 230 metres downstream of the ford below Hurst Barn. No development will occur within 50m of the watercourse and therefore no impact on otter is anticipated. The following informative should be on the decision notice;
- iv. Himalayan Balsam: The ecological report has recorded Himalayan Balsam on the lower river banks and along the water's edge. An informative note is recommended regarding this invasive species.
- v. Streams: This site is bordered by a water course. This valuable ecological and environmental network feature must be protected in the site design and should have an appropriate buffer, at least 50m, separating the feature from the proposed development. A condition is recommended.
- vi. Bats: There are mature trees along the southern boundary of the proposed development site which have opportunities for roosting bats. These trees will not be affected by the proposed works. The wooded watercourse is suitable for foraging and commuting bats and in order to enhance the site for bats. Conditions are recommended.
- vii. Nesting Birds: The proposal will enhance the site for nesting birds post development due to additional habitat creation. An informative note is recommended.

- viii. **Habitat Enhancement:** There is to be additional native species hedgerow planting as part of this proposal. This includes, but isn't limited to, a new field boundary hedgerow with trees to be established, running from the edge of the farmyard westwards to meet the eastern boundary hedgerow (along the southern edge of the proposed broiler sheds site). This would be approximately 135 metres long. A small area of riparian woodland planting along part of the north bank of the River Clun below the proposed broiler sheds site is also included in the proposal. In order to pass the Habitat Regulations Assessment one of the mitigation proposals is to reduce fertiliser input on 9.83 hectares by 10%. The habitat creation and habitat management must be secured under appropriate planning conditions. Conditions are recommended.
- ix. **Environmental Permit:** The proposal will require an Environmental Permit regulated by the Environment Agency prior to commencement. The Environment Agency's Pre-application screening assessment has been calculated based on 180,000 birds (the current planning application is for 100,000 birds). The Environment Agency, as a more competent authority when assessing aerial emissions, has screened out the ammonia impacts from the proposed development on SAC, SPA and Ramsar sites within 10km; SSSIs within 5km; NNRs, LNRs & LWS within 2km. The Environment Agency has stated that detailed modelling is not required.
- x. **River Clun SAC & River Teme SSSI:** This application is within the river Clun SAC catchment and has the potential to impact upon the River Clun SAC and River Teme SSSI. Particular attention has been made in order to identify potential phosphate, nitrate & sediment effect pathways which could impact upon the integrity of the River Clun SAC & River Teme SSSI. Scientific justification and mitigation has been provided by the applicant and using this information SC Ecology has completed a Habitat Regulations Assessment. Shropshire Council's Habitat Regulations Assessment should be passed to Natural England for consultation (please note although not a European Site the HRA has covered impacts on the River Teme SSSI and Natural England's comments should also take into account National Designations).
- xi. **Supporting information:** The applicant has used Natural England's Discretionary Advice Service. Natural England highlights that the likely environmental effect pathways, which may arise from the proposed planning application, are related to nutrient enrichment hydrologically, and through atmospheric emissions leading to increased deposition of nutrients within the catchment which may then be mobilised by surface water run-off. There is also the potential for increased sedimentation of the River Clun during construction of the project. From the discretionary advice service the applicant has worked with Natural England to produce appropriate information for Shropshire Council to complete a Habitat Regulations Assessment. Natural England's pre-application advice dated 17th December 2016 concludes that – 'on the basis of the objective information provided and the mitigation proposed that Natural England believes that an adverse effect on the integrity of the River Clun SAC is unlikely to occur'.
- xii. **Air Quality:** Please refer to the Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed broiler rearing unit at Hurst Barn prepared by Steve Smith (September 2015). Air quality has been subject to detailed modelling which demonstrates where ammonia deposition is likely to occur as a result of the proposal, and has attempted to quantify the secondary effects of the impacts on water quality within the River Clun. It should be noted that the modelling has been completed

on a max bird count of 180,000 whereas the proposal is for 100,000. The predicted maximum annual mean ammonia concentrations at all nearby designated sites (Ancient Woodlands, Local Wildlife Sites, Sites of Special Scientific Interest, and Special Areas of Conservation) are at levels that would normally be deemed insignificant for Environment Agency permitting purposes. Predicted annual mean nitrogen deposition rates have been summed over a 3km x 3km modelling domain. The modelling predicts a total annual mean nitrogen deposition rate of 410.03kg/y over the modelled area. Deposition to land over the parts of the River Clun catchment area outside the modelling domain is likely to be insignificant. The site of the poultry unit itself would take up approximately 2.3 hectares of what is currently fertilised improved grassland. Nitrogen application rates to improved grassland are typically 100kg/ha/y. Therefore, up to 230kg/y of nitrogen, more than half of the 410.03kg/y predicted nitrogen deposition from the poultry unit, would be removed from the pool of nitrogen that could potentially reach the river system, leaving a surfeit of approximately 180kg/y of nitrogen. The supporting planning documents state that in discussion with Natural England, the planning agent has explained that the applicant can reduce the application of poultry manure by 10% on the area of land between the B4368 and the River Clun. The Applicant currently imports and spreads circa in excess of 500 tonnes of poultry manure to this holding as confirmed within the Hafren Water report dated October 2014. The Applicant is agreeable to reducing this on arable field numbers 5806, 7709 and 9110 situated between the road and the river. These have a total area of 9.83 hectares. These fields are described on Drawing Number 8998-02A Plan 2 Applicant's Land Holding. It is also understood that should the proposed development of the poultry unit proceed, it would displace the current cattle rearing operation at Hurst Farm. Natural England believes that the principle of taking land out of active production and the consequential reductions in fertiliser applied to the land is a satisfactory way of mitigating this effect on the River Clun SAC.

- xiii. **Water Quality:** From the information provided there will be overall reductions in the amount of chemical inputs into the River Clun Catchment within the applicants land holding. All wash down water from the cleaning of the new poultry units and concrete yard at the end of the flock cycle will be collected through a dedicated sealed drainage system to a sealed underground tank. The collected dirty water will be spread to land when conditions are suitable. Grey water (roof run off) will be allowed to slow release to soil using a drainage system. The drains will be located parallel to the proposed buildings. They will take water eastward to the stoned drainage field. The Hafron Water Report (2014) outlines measures which will be put in place to further prevent pollution of the watercourse from the poultry unit. SC Drainage has assessed SC Ecology that the proposed drainage information is sufficient. SC Drainage has provided conditions which must be on a decision notice;

4.1.9 S.C.Drainage: No objection subject to conditions requiring drainage details to be submitted.

4.1.10 S.C. Public Protection: No objections. Having considered the odour assessment I consider the assessment to be suitable. I have no concerns regarding odour as the assessment predicts a very low probability of infrequent odour impacts on closest receptors. The Environmental Statement considers it unnecessary for a noise assessment to be carried out given that nearest residential properties with no financial interest are over 500m away from the proposed chicken units. In this instance I agree with the applicant. As night time traffic movements will occur on public roads I have no

concerns in relation to noise generated by the movement of HGVs associated with depopulation activities at night. Due to distances involved, prevailing wind conditions and other noise sources in the area I do not consider a noise assessment is required in this instance. I therefore have no objection to this application and no conditions to recommend.

4.1.11 SC Archaeology: No objection. The development proposal is located within the Clun River valley in an area that contains a number of Historic Environment Records relating to prehistoric and later settlement and occupation. Of particular note is the scheduled site of Radnor Wood Camp (National Ref. 1004786) an incomplete Iron Age hillfort and the Grade II* listed Old Farmhouse Clunton (National Ref. 257575). Additionally there are several known cropmark sites and find spots of prehistoric date in the immediate surrounding area some within 200m of the proposed development. A Heritage Impact Assessment has now been produced in support of this application (Castlering Archaeology, September 2016, Report No. 570) and has concluded that there is a low potential for archaeological remains within the proposed development site. The assessment has also concluded that there will be no or negligible impacts on the setting of nearby Designated Heritage Assets. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise an archaeological watching brief during any ground works associated with the proposed development.

4.1.12i SC Conservation No objection. The proposal is within the setting of various heritage assets including the Radnor Wood Camp Scheduled Monument, Clunton Conservation Area and four grade II listed buildings consisting of The Hurst, The Stables, Stable Block and Coach House and the Dovecote as well as other non-designated heritage assets that consist of two existing historic farmsteads including Hurst Barn and Hurst Mill. The farmstead lies within the historic Hurst Estate. The proposal is also within the Shropshire Hills AONB. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. These comments supplement those previously submitted on 31/8/16 where there was objection in terms of the proposal not being accompanied with a heritage assessment and therefore not in accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev as well as the principles set out in the Historic England GPA3 guidance on setting.

- ii. The Heritage Assessment by Castlering Archaeology has now been submitted and is a comprehensive report/assessment that has been carried out to a high standard. As Historic England acknowledge in their comments, the assessment mainly covers visual analysis rather than setting analysis, though the analysis overall is comprehensive, informative and helpful. The main headlines from that assessment is that the proposal would have a negligible impact in terms of inter-visibility with filtered views to and from the site given the existing agricultural buildings (where many of them on the existing farmstead are modern) as well as from existing trees such as along Radnor Wood. This would result in views mainly consisting of the roofscape of the building when looking

down from Radnor Wood to the north and Black Hill to the south. The proposal states that a new earth bund and planting will be provided in order to mitigate impact as being located in Clun Valley, the topography is quite flat along the valley running west-east so there are quite long distance views along the principal highway. However, there is concurrence with the findings of the assessment where impact on the relevant heritage assets will be negligible and there would not be an adverse impact on the relevant settings of the assets as long as it is accompanied by the relevant mitigation measures (see recommended conditions below). The existing farmstead of Hurst Barn consists of other existing modern structures, so this needs to be taken into account as part of the overall composition of buildings, where these lie between the site and the historic remaining farmhouse that lies to the south of the site and away from the principal highway. SC Archaeology have requested a condition requiring a written scheme of investigation and that is supported. Conditions for the external finish of the buildings (to be in fern green) and for new planting and landscaping are also recommended.

4.1.13 Fire and Rescue Services: No objection. Informative notes regarding fire prevention are recommended.

4.2 Public representations:

4.2.1 The application has been advertised in accordance with relevant provisions. 40 representations have been received from 34 individuals 15 of whom have written in support (including a couple of the nearest residents), 2 are neutral and 17 are objecting. A detailed summary of these representations is included in Appendix 4. The main points raised are as follows:

4.2.3 Support comments:

- Food production benefits;
- Benefits to local economy;
- Local community benefits, supporting young local family;
- Effect of objections and implications for local farming community if scheme is refused;
- Odour and pollution would be strictly controlled;
- Amenity impacts would be less than objectors assume;
- Environmental benefits of manure spreading.

4.2.4 Objector comments:

- Impact on Arvon Centre – potential loss of business (including online petition with @500 signatures);
- ‘Industrial development’ in the countryside;
- Visual impact in the AONB;
- Pollution and impact on ecology including Clun Special Area of Conservation;
- Impact on local amenities from odour, traffic and visual effects;
- Animal welfare;
- Effect on local tourism;
- Lack of detail and questioning conclusions of Environmental Statement;
- Conflict with planning policy for AONBs.

5.0 THE MAIN ISSUES

Contact: Tim Rogers (01743) 258773

- Policy context including whether the exceptional circumstances for major development within the AONB are met;
- Justification for the development and choice of site;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology);
- Other matters including implications of the Arvon Centre objection.

6.0 OFFICER APPRAISAL

6.1 Policy context:

6.1.1 Development should be in accordance with the Development Plan unless material factors indicate otherwise. The development plan for the site comprises the Shropshire Core Strategy and the SAMDev Plan as informed by the National Planning Policy Framework (NPPF).

6.1.2 National Policy: The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.

6.1.3 The site is however located within the Shropshire Hills AONB. Para 115 of the NPPF advises in this respect that ‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’. Paragraph 116 goes on to say that ‘planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. The paragraph advises that a planning authority should apply three tests in considering such applications:

- i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.1.4 The application is considered to be major development as it relates to a Schedule 1 EIA proposal. Some objectors contend that proposals of this nature should be automatically refused given their location within the AONB. However, the NPPF does not impose a blanket prohibition on major development within the AONB. Instead it specifies that the above tests must be met. If this occurs then proposals may consequently be compliant with the development plan as a whole. This can be the case even if the development does not comply fully with some specific development plan (or AONB Management Plan) policies, though ‘great weight’ must be given to the

Contact: Tim Rogers (01743) 258773

protection of the AONB. If the NPPF tests cannot be met then the proposals would be unsustainable and permission should be refused.

6.1.5 Members will recall that the committee has approved a number of poultry units within the AONB in recent years where it has been determined that the relevant tests have been met. Conversely, some proposals have been refused where it has been deemed that the tests were not met. To determine whether or not the proposals would be in the public interest and whether the exceptional circumstance tests can be met appropriate account must be taken of the following matters:

- 1) The information submitted in support of the application and accompanying Environmental Statement;
- 2) The findings of the planning consultation process including comments from planning consultees and public representations for and against the proposals;
- 3) Relevant planning policies and guidance.

6.1.6 Some policies may pull in different directions on a development of this nature. Objectors may contend that greater weight should be given to policies which protect the local environment and the AONB, given in particular the NPPF requirement to give such matters 'great weight' (e.g. Core Strategy Policy CS6, CS16, CS17). Conversely, supporters will point to policies which seek to preserve rural communities, jobs, vitality and the local economy and to support agricultural diversification (Core Strategy Policy CS5). They may also refer to the significant national and local economic benefits of home produced poultry meat. In this respect Core Strategy Policy CS13 recognises the continuing importance of food production in rural areas.

6.1.7 Any planning decision must assess the relative weight to be given to such policies. Only after this can a balanced decision be taken on whether or not a development would be in the public interest overall. This assessment is made at the conclusion of this report. Succeeding sections deal with the other 3 tests set by NPPF116.

Development Plan Policy

6.1.8 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for "economic diversification". Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be "on appropriate sites which maintain and enhance countryside vitality and character" and have "no unacceptable adverse environmental impact". The policy recognises that "the countryside is a 'living-working' environment which requires support to maintain or enhance sustainability". Paragraph 4.74 states that: "Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations."

6.1.9 It is considered that the proposed development would be capable of conforming in principle with CS1 and CS5 because:

- Its primary purpose is economic diversification;

- It will provide local employment and associated economic benefits for local communities;
- It assists in achieving the aim of local food production and also food traceability and security, reducing the UK's reliance on imported food sources including poultry;
- It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.
- The applicant advises that the environmental reports accompanying the application demonstrate that the proposals have no unacceptable impact on the environment. This is supported by the lack of objection from technical consultees and the fact that officers are not aware of any objections or issues raised with regard to the operation of the existing poultry units.

6.1.10 This is provided that the above benefits would not be outweighed by any negative effects. The environmental issues raised by the proposals are considered in succeeding sections.

6.1.11 The proposal incorporates sustainable design measures in accordance with Policy CS6 including considerations including:

- Sustainable drainage, water and energy efficiency systems;
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant increases in existing traffic levels. The site is accessible via the established access and the junction with the public highway has been improved.

6.1.12 Policy CS13 states that "Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire's key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification...., food and drink processing, and promotion of local food and supply chains". The proposal accords with this Policy as it delivers economic growth within the rural economy and within the food and drink industry, which is one of Shropshire's key business sectors.

AONB Special Circumstance Policy Tests

6.1.13 The First Test: the need for the development *(including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy)*

There is a strong and increasing national demand for home-produced poultry meat which is a relatively cheap source of protein at a time when other meat production is in decline. This continued demand has seen a significant number of other poultry proposals established or expanded in Shropshire over the past 5 years, including in the AONB. Many poultry business supply Cargills based at Hereford which is a major national supplier and has been undergoing recent expansions. The UK currently produces around 75% of the poultry meat it consumes. There is however significant scope to extend levels of home production and reduce imports from Europe even

further. This is also beneficial from a point of view of food traceability. It is considered that there is a very strong need case at a national level for continued growth in home grown poultry production.

- 6.1.14 At a local level the proposals would also make a positive contribution to the economy of this part of Shropshire. This is through requirements for local goods and services during the construction phase, through subsequent purchase of feedstocks and other materials and services and also through the associated direct and indirect provision of local employment. The applicant advises that the poultry enterprise is compatible with and complimentary to the existing mixed system of sheep and arable enterprises at Hurst Barn (it is understood that existing cattle farming at the farm would not be continued in the event that the current proposals are approved). The family's main farming partnership, A and S Jones also owns and manages other land near Clun. They wish for Hurst Barn to be a self-contained unit, managed by Alan Jones's son Richard.
- 6.1 15 The poultry enterprise is considered to be an appropriate and sustainable option for the future of the business. This is because existing infrastructure can be utilised, a suitable site is available at the farmstead and the proposed enterprise would not be reliant on subsidy income (an important consideration following Brexit). Broiler production is a controlled enterprise and in general is considered an appropriate and sustainable form of diversification. Spreading of Chicken manure can also have significant benefits for the conditioning of agricultural soils.
- 6.1.16 If the proposals did not proceed then the site would not be able to support the clear national need for the production of home grown poultry. The ability to manage the Hurst Barn holding as a separate self-sustaining unit providing a viable income for the applicant's son and his family as local people may also be compromised, in turn affecting the vitality of the local farming community which has supported the application. It is concluded that the need for the development can be accepted in principle, provided the other two tests set by the NPPF can also be met.
- 6.1.17 The Second Test: Alternatives *(the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way)*
The applicant advises that there are no alternative sites within their landholding which would be capable of supporting a development of this nature. The proposed site has been carefully chosen because it is next to an existing farm buildings complex so can benefit from this existing infrastructure. There is an existing access onto the public highway which would be upgraded and good accessibility to other land in the farmholding. The site is also bounded by established roadside vegetation which would be managed and supplemented by comprehensive planting proposals. In addition, it is over 500m from the nearest privately owned property not associated with the farm and, apart from being within the AONB, it is not directly affected by any other environmental designations.
- 6.1.18 18 % of Britain is covered by an AONB designation and the area of Shropshire within the AONB is even higher at 25%. Local and national policy strongly protects these designations. However, such policy also recognises the need to ensure that all rural communities, including within AONB's, remain economically healthy and vibrant. People visit AONB's for their scenic beauty and in so doing they contribute to the

tourism economy. However, the AONB landscape is a living working environment which is critically dependent on farming activity for its maintenance and upkeep.

- 6.1.19 Farming faces well documented challenges and this is particularly so in more remote and geographically isolated areas such as the Shropshire Hills AONB area. If agricultural businesses cannot diversify within the AONB then the local landscape may suffer, as may the local community which has a significant agricultural component. Whilst the AONB Management Plan would prefer any new agricultural development to be small scale a rigorous application of this policy would prevent many forms of agricultural diversification which are relatively commonplace elsewhere in Shropshire. As noted above the NPPF does not preclude major development in the AONB where the relevant tests can be met and a number of similar schemes have been accepted in recently as previously noted.
- 6.1.20 It is not considered that the option of developing an equivalent facility outside of the AONB would be a viable or realistic for the current applicant, whose main holding and associated infrastructure falls entirely within the AONB. It is considered therefore that the second test can be met.

The Third Test – Environmental Acceptability:

- 6.1.21 The third test set by NPPF 116 is that of environmental acceptability. It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. The operational benefits of the proposed location are also acknowledged. Objectors such as the Arvon Centre argue however that any such benefits are clearly outweighed by the potential adverse effects, including on the local environment and amenities. If it can be concluded that any such effects would be acceptable after mitigation then the third test can be met. By implication the proposals would then be sustainable and compliant with relevant environmental policies including CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources). If however any adverse effects cannot be satisfactorily mitigated, or if significant doubt remains regarding mitigation then the third test would not be met and permission should be refused. Environmental impacts are considered in a succeeding section.
- 6.1.22 AONB Management Plan: This plan has been adopted by Shropshire Council and is a material planning consideration although it does not form part of the Development Plan. The AONB Partnership initially sent a 'standard' response but subsequently objected on the basis of 1) concerns that the applicant's landscape appraisal downplays the sensitivity of the AONB landscape and 2) that the proposals could compromise efforts to meet Water Framework Directive (WFD) targets for the River Clun. It should be noted that the applicant has provided a detailed rebuttal of the AONB objection which can be viewed on the Council's online planning register. The three most relevant policies are:
- i. Valuing the AONB in Planning and Decisions: - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.

- ii. Encouraging a Sustainable Land Management Economy:- Supporting the role of farmers and land managers as the main stewards of natural beauty, and for their vital role in maintaining the Shropshire Hills landscape... Supporting appropriate and sustainable forms of farming and diversification enterprises where these are compatible with the AONB designation... Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future... Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB.
- iii. Clun Forest and Valley: - This very rural area is more dependent on farming than any other part of the AONB. Strong networks have recently been established, and building on these will be important for managing change in farming to provide the best outcomes for both the landscape and the community. The River Clun catchment increasingly provides a focal point for conservation activity, and heritage and tranquillity are also key aspects for enjoyment.
The commentary to this policy advises that 'changes in farming will are probably have the greatest influence on this area's future. A high age profile, rising costs and the difficulty of making livestock products pay in a competitive global market are felt as keenly here as anywhere, sometimes compounded by the relative isolation of the area'. The plan advises that 'the condition of the rivers (the River Clun SAC and the River Teme SSSI) is an over-riding priority, and links with many other aspects, as it is dependent on activity throughout the catchments'. 'The future of farming brings big challenges and issues which are not easily tackled. The continuation of both livestock and appropriate cropping are both important for the landscape'.

6.1.23 The proposals would potentially comply with the first policy if the third test (environmental acceptability) set out in NPPF116 can be met, having regard to the 'great weight' which must be accorded to protection of landscape quality within the AONB. In visual terms whilst the buildings would be large they would be of low profile design and would be seen in the context of the existing farm buildings. Comprehensive landscape mitigation is proposed and the buildings would be constructed in place of a taller and hence potentially more visible livestock building which received planning approval on part of the same site in 2013. Visual issues are discussed further in a succeeding section.

6.1.24 The proposals would potentially comply with the second policy as they would 'support the role of farmers and land managers as the main stewards of natural beauty'. This is provided the development can be accepted as compatible with the AONB designation. In this respect the applicant advises that the proposals would secure the long-term sympathetic management of a key area of riverside land within the Clun Valley with a guarantee of significant reductions in nitrate application secured by a robust legal agreement and supported by the Council's ecology section.

6.1.25 The third policy recognises that there are particular problems with securing viable and sympathetic farming within the Clun Catchment. This is due to the character of the land, and a generally sparse and ageing population. If recent gains in environmental quality are to be protected it is necessary to support sustainable forms of farming which will secure the longer term sympathetic management of the land. It is considered that

the proposals would facilitate this objective for the whole of the farming unit at Hurst Barn.

- 6.1.26 NPPF 115 advises that the AONB has the highest status of protection in relation to landscape and scenic beauty and that the conservation of wildlife and cultural heritage are also important considerations. Whilst these are stringent criteria they have been met for similar schemes elsewhere in the AONB. If the criteria can also be met for the current site then there would be no inherent conflict with national guidance, development plan policy or the AONB management plan.

6.2 Environmental implications of the proposals

- 6.2.1 Transport: Policy CS7 requires sustainable patterns of communications and transport. The applicant advises that pre application discussions with Shropshire Council's Highways Officer concluded there was no objection to the proposal, subject to the alterations proposed to the main existing entrance. All vehicle movements apart from HGV's removing the birds would be daytime movements. This minimises the potential impact upon local residential receptors and other users of the public roads. Traffic during the six month construction period can be managed to avoid night time movements. As a result, the applicant does not anticipate any significant effects on residential receptors or users of the private road.
- 6.2.2 The applicant advises that the proposals would result in increase of 17.2% in the level of vehicle movements to Hurst Barn (including cars, tractors and lorries) relative to the current situation or an increase of 658 individual movements (328 return visits) per year. For lorries, tractors and trailers this equates to 1.8 individual movements per day (0.9 return visits) or 60 extra movements (30 return visits) per broiler crop cycle.
- 6.2.3 An objector has queried these movements on the basis that national statistics may suggest higher traffic levels for a development of this nature. The applicant's agent has confirmed however that the levels of manure and feedstocks are very accurate, being based on equivalent local poultry enterprises including for many other poultry clients and including the agent's brother's 2 shed poultry site which generates 954 tonnes of manure per year. The agent advises that some government estimates of poultry vehicle movements nationally are inaccurate and do not relate to the situation on the ground in Shropshire. The agent has offered to provide officers with documentary proof of this. All exported poultry would be transported in covered loads. During night time depopulations there would be one lorry coming and one going per hour. Depopulations at such times can have benefits for the end user and for animal welfare as birds are less active. The site has access immediately to the public highway and is not close to other residential property.
- 6.2.4 Highway have not objected in terms of highway capacity issues. They have however requested some further information to confirm that 2 HGV's can pass in the access into the site and have recommended that the access gates are placed further back into the site. These matters are capable of being conditioned. The applicant has recently submitted an updated access plan which confirms the ability to achieve these objectives and this has been forwarded to highway officers. It is concluded that the proposals can be accepted in highway terms subject to the recommended conditions.

- 6.2.5 Noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. Poultry units have the ability to create a noise impact upon local residences due to fan noise, feed deliveries, vehicle movements on site and during night time removal of birds. Where a poultry site is within 400 metres of unrelated dwellings a Noise Assessment is generally required by the local authority. The house at Hurst Barn is occupied by the Applicant. The closest unrelated dwelling is at Hurst Mill, some 500 metres to the west of the proposed site. The feed bins are at the western end of the farm buildings, further from the nearest dwellings. The agent advises that the extractor fans would not be audible at this distance and this is borne out by experience at other poultry sites.
- 6.2.6 The proposed buildings would be fully insulated to assist in control of the internal environment and to minimise noise. Public Protection have not objected. To provide further confidence however officers are recommending an amenity complaints condition. This sets out a formal procedure for handling any complaints if these are subsequently received and validated by the planning authority.
- 6.2.7 Odour: There may be smells when the manure is being removed from the building although this would be for short periods of time only. An odour assessment submitted with the application assess odour at the nearest sensitive receptor properties not associated with the farm. The Atmospheric Dispersion Modelling System used takes account of metrological data, topographic features such as the Clun Valley and surface roughness. The results of the modelling indicate that the 98th percentile hourly mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours (a 98th percentile hourly mean of 3.0 ouE/m³ over a one year period).
- 6.2.8 Public Protection and the Environment Agency have not objected. Odour emissions within the site would be subject to detailed controls under the Environment Agency's permitting system. A 'dry' heating system using hot water pipes would be used so the internal environment would be less moist than with simple gas burners. Consequently, there is less need for ventilation so odour within the crop cycle is significantly reduced. The agent advises that this is a major beneficial change relative to 'older style' poultry units.
- 6.2.9 Objectors have expressed concern that odour during cleanouts would pose a hazard to nearby road traffic. The agent advises that there have been no odour issues with a site at Manor farm Wistanstow (13/04877/EIA) in the AONB with 10 sheds, several of which are close to the A49. The agent advises that in practise, driving along 300m at the national speed limit would take 15 seconds. There are no laybys or reasons or opportunities for drivers, cyclists etc. to stop nearby on the road and worst case odour would be very temporary, for a few hours at the end of each crop cycle. It is considered that the proposals can be accepted in principle in relation to odour issues. To provide added reassurance however a condition providing a procedure for dealing with amenity based complaints has been recommended in appendix 1 as noted above.
- 6.2.10 Dust: Internally, a dust laden atmosphere must be prevented for health reasons. The contained nature of the operation precludes the emission of significant amounts of dust particles to the atmosphere.

- 6.2.11 Public Health: The operation of the site would be subject to the rigorous controls of the Environment Agency's IPPC permitting regime. Under the Permit the site is required to operate to Best Available Techniques with conditions to ensure operations are pollution free. As such the proposals are specifically designed to minimise ammonia emissions to air and very stringent biosecurity measures also apply. The Environment Agency and Public Protection have not objected.
- 6.2.12 Drainage: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. A detailed Flood Risk Assessment and Surface Water Management Strategy for the proposed development has been provided. The site is within flood zone 1 and so is outside the flood plain of the River Clun. The surface water drainage scheme proposed is to a SuDS system and therefore mitigates the potential surface water runoff and downstream flood consequences. A water management plan explains how clean surface water will be separated from contaminated water which would be stored in a below-ground tank at the south-west end of the site for separate removal. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 6.2.13 Ecology: Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological, heritage or recreational assets. The site is within the River Clun Catchment and is 12.5km upstream of the River Clun Special Area of Conservation (SAC) which is currently failing its water quality targets. In addition to this there are 3 nationally designated nature conservation sites within 10 kilometres of the site. The ecological value of the habitats within and around the application site and the applicant's land holding lies primarily in the existing linear habitats - the species rich field boundary hedgerows and the watercourse and associated habitats along the River Clun. These would be retained and enhanced. Most of the habitats within and adjacent to the site proposed for development are of no more than local importance. Overall the proposals including landscaping works are predicted to have a positive ecological effect, which is long term and significant at the local level.
- 6.2.14 The Council's ecology team has not objected and has concluded in its' Habitat Risk Assessment (HRA) that appropriate mitigation measures are available to protect the Clun Catchment. This includes recommended conditions exercising control over the area and extent of manure spreading (see Appendix 2). In its initial consultation response Natural England accepted these general conclusions, whilst requesting further confirmation of detailed delivery mechanisms for the mitigation measures. Following extensive discussions between the agent, the ecology section and this officer it has been determined that delivery of the ecological mitigation measures can be secured by means of planning conditions supported by a legal agreement to cover off-site measures. This type of mitigation delivery mechanism has been agreed recently by Natural England for other recent poultry schemes in the Clun Catchment.
- 6.2.15 The applicant obtained chargeable pre-application advice from Natural England which has informed the preparation of the current application. Natural England has since been formally consulted twice on the Council's Habitat Risk Assessment, has received a number of interim drafts for comment and has attended a number of meetings with ecology and planning officers to consider the application. A response on the current

formal HRA consultation is due by 29th March. The applicant has agreed to all the requests made by the Council's ecologist in dialogue with Natural England and has provided additional detailed clarification on technical matters. A collated and updated version of the applicant's habitat mitigation proposals has also been prepared to facilitate the latest HRA consultation with Natural England.

- 6.2.16 A key element of recent discussions has been whether or not off-site water quality monitoring is required. Natural England has indicated that this may not be required if the Council's Ecology section can provide appropriate assurances that mitigation measures would be acceptable without the need for such monitoring. However, the applicant has for some time confirmed a willingness to undertake water quality monitoring and has requested that this is specifically incorporated into the mitigation provisions to reduce the possibility of further ecological delays. In a recent discussion between the officer and a regional manager at Natural England the latter did not identify any additional issues which have not already been addressed by the mitigation scheme and the associated proposed conditions and legal agreement. Accordingly, the application has been scheduled for consideration at the April 4th planning committee. It is expected that Natural England's consultation response will be reported to the committee beforehand as part of the additional representations procedure.
- 6.2.17 The AONB Partnership criticised the conclusions of the applicant's ecological report in their objection response. The agent responded that a specialist ecological consultant has been employed who has undertaken detailed work on the Clun catchment, including management plan work for sections of the river downstream of the development. The fullest research has therefore been undertaken in the ecological assessment. The agent states that no evidence has been put forward to support the AONB Partnership statement that should the proposals go ahead they would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition'. Since this time there have been further refinements in the proposed mitigation measures. It can now be stated that the proposals would secure sympathetic management of the strategic riverside fields surrounding the farmstead with additional planting / buffer zones and a reduction of 500 tonnes each year in the amount of manure applied relative to the current situation.
- 6.2.18 In summary, the Council's ecologist has not objected. Comprehensive mitigation measures are being proposed following detailed discussions with Natural England and would be delivered by planning conditions supported by a legal agreement. The mitigation measures are very similar to measures which have been accepted by Natural England at other recent poultry development in the Clun catchment area. It is concluded that the proposals would not impact adversely on ecological interests provided they are subject to the recommended planning conditions and legal agreement. Moreover, it is considered that the proposals offer the potential to secure some ecological and environmental benefits relative to the current situation through the proposed landscaping measures and by securing a significant and ongoing reduction in application of manure to local fields in the Clun Valley. The proposals therefore comply with Core Strategy Policy CS17 and SAMDev Policy MD12.
- 6.2.19 Ammonia and nitrate deposition: Poultry units generate ammonia which can impact on the local environment. The site is close to a Local Wildlife Site and also to Clunton Coppice Site of Special Scientific Interest (124m to the south east). The conditions in modern units are designed to minimise such emissions and such operations would be

controlled under the Environment Agency's permitting system. The units would conform with the code of good practice issued by DEFRA. The application includes a consultant's assessment of predicted ammonia and nitrogen deposition levels against Environment Agency criteria. The predicted maximum annual mean ammonia and nitrogen concentrations at all the nearby wildlife sites and within the Clun Catchment are at levels that would normally be deemed insignificant for permitting purposes. The consultant advises that in comparison to normal nitrogen inputs to arable land in the area, the predicted levels are very insignificant.

- 6.2.20 As part of the ecological mitigation package the applicant is proposing to remove an area of currently improved grassland from an intensive fertilisation regime and to reduce fertiliser application to other land within the holding. The Environmental Statement advises that this will fully mitigate any residual increase in nitrate levels from the poultry proposals. Notwithstanding this, further mitigation measures are potentially available such as fitting of heat exchangers or odour / bio-aerosol filters if required by the Environment Agency as part of the permitting controls.



View of Hurst Barn from South, towards Radnor Wood. Site is to right of picture

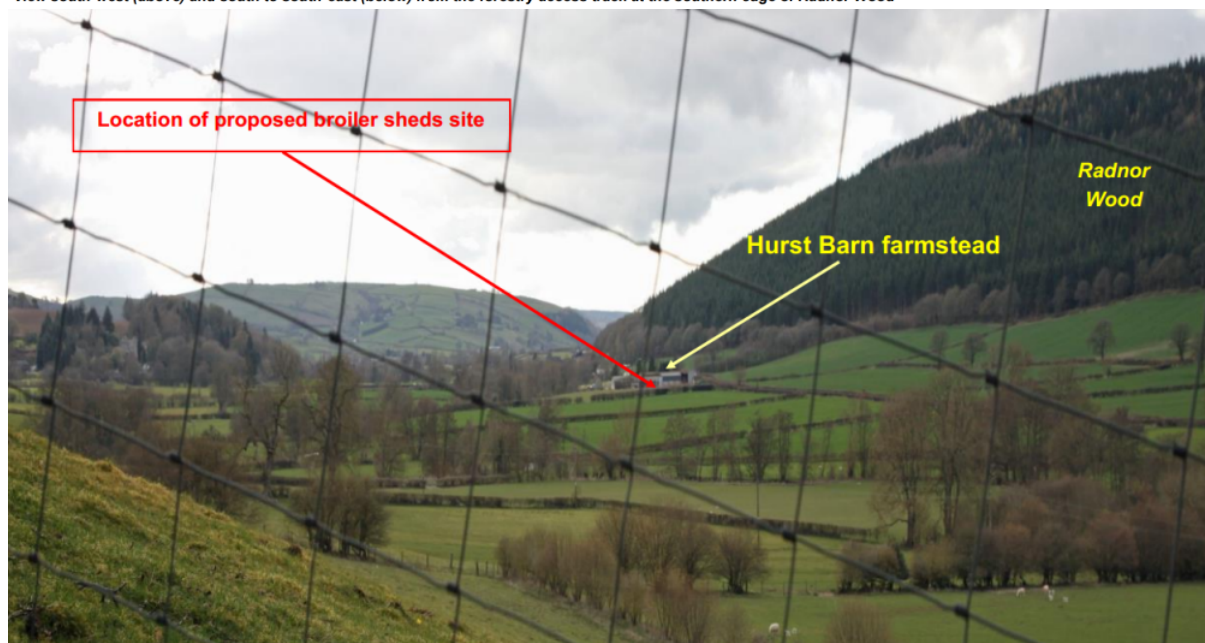


Contact: Tim Rogers (01743) 258773

View from public right of way 500m west. Existing poultry buildings are to right centre.



View south-west (above) and south to south-east (below) from the forestry access track at the southern edge of Radnor Wood



View towards site from right of way at Sowdley Wood 700m south-east.

6.2.21 Landscape and Visual impact: The site is located in the AONB where the NPPF requires that ‘great weight’ shall be placed on protecting landscape character / quality (para 116). A landscape and visual appraisal concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have little landscape character impact. Limited views are afforded towards the proposed development site and the development would be seen in the context of the existing farm buildings complex. The Hurst Barn farmstead and the proposed broiler sheds lie within a narrow linear tract of the “Estate Farmlands” Landscape Type. The “Wooded Hills and Farmlands” Landscape Type occurs to the north and south on the middle and upper slopes of the Clun valley sides. The proposed development includes new planting of native hedgerows with trees and a small section of riparian woodland, in order to properly assimilate the new broiler sheds and the modified farm access into the local landscape.

6.2.22 The visual appraisal advises that there will be a local major change as the open arable field is converted to two large sheds with a supporting infrastructure. However, significant landscape features, particularly hedgerows and trees, will be retained for the most part, with only minor losses of hedgerow at the modified farmyard

Contact: Tim Rogers (01743) 258773

entrance. The overall agricultural land use resource is the dominant element of the local landscape and is evaluated as being of medium sensitivity. This, when combined with minor magnitude of change will not result in a significant effect. The proposed development would have very localised landscape effects and would not introduce a new type of built element into the landscape of the Clun Valley. The proposed planting of a total of around 187 linear metres of new and replacement native field boundary hedgerow with trees and the 550m² of supplementary river terrace planting, would provide minor beneficial local landscape effects. It is predicted that the residual landscape effects after 10 years would be minor beneficial but not significant. There are no views of the proposed broiler shed site from Clunton village, properties at the eastern edge of Clun or at Woodside because of intervening landform, dense woodland and a network of field boundary hedgerows with trees.

- 6.2.23 Seven residential receptors have been identified. The visual appraisal predicts that none of these receptors would experience a level of adverse visual effect and none would experience significant residual visual effects. Users of a 1.25km section of the only local public right of way in the vicinity of the site, the byway running through Sowdley Wood between Clunton and Woodside, would experience minor adverse visual effects which would not be significant. The byway is some 0.5kms distant from the proposed broiler site at its closest point. At Year 10 following the increase in height of the hedgerow and intermittent new tree planting and hedgerow planting the residual magnitude of effect would reduce to negligible adverse and therefore not significant. Users of parts of the dedicated forestry access land at Radnor Wood would experience residual visual effects reduced to minor and adverse, not significant.
- 6.2.24 There would be no effects on visitors to the Radnor Camp Hillfort or Clun Castle as there is no inter-visibility with Hurst Barn. The narrow and winding configuration of many of the public local access roads, together with the frequent occurrence of high parallel flanking field boundary hedgerows, restricts the available views along many stretches. Proposed tree planting parallel to the highway would supplement the hedge screening at a higher level. The removal of a tower storage unit at Hurst Barn, with its conspicuous white domed roof, would have a minor beneficial effect. Consequently the visual appraisal concludes that the nature of the predicted magnitude of change in the view arising from building the new sheds on completion of the construction phase would be minor adverse and so not significant. At operational year 10, following the full establishment of the supplementary tree planting and the growth of the tree canopies, the residual magnitude of effect would be negligible beneficial.
- 6.2.25 Of the identified residential receptors none is predicted to experience a visual effect greater than moderate. The site is not visible from either of the two promoted long distance footpaths; the Shropshire Way and the Jack Mytton Way. It would only be visible from parts of one local public right of way (through Sowdley Wood to the south). The minor adverse effects would reduce by mitigation measures and intervening vegetation resulting in no residual visual effects. There will no significant effects on views from the B4368.
- 6.2.26 The AONB Partnership has challenged these conclusions (see appendix 3). They assert that the magnitude of the effects and the sensitivity of the landscape is greater

than has been assumed. The applicant's visual consultant has commented on the AONB response, pointing out that 'the Hurst Barn development is not isolated and not set in open fields. It is contiguous with the existing small farmstead at Hurst Barn and is adjacent to tall mature field boundary hedgerows on two sides'. 'It does not have any detrimental effects upon the settings of Listed Buildings at The Hurst (Grade II) or any other local heritage assets'. Unlike Hurst Barn, it is stated that most similar farmsteads have been modernised to meet the need of modern farming and this has typically involved the construction of larger modern buildings. Planning consent for a large general purpose agricultural shed with a ridge height of 5.81 metres was approved in 2013 within the footprint of the current application site. This forms a visual context for the current proposals but would not be implemented if the current scheme proceeds.

- 6.2.27 The applicant's landscape consultant states that the AONB Partnership has also not acknowledged the beneficial effect of the proposed removal of the silo with its conspicuous white domed roof. The consultant does not regard the proposals as being 'industrial' as stated by the AONB. It is pointed out that sites approved recently by the Planning Authority at Guilden Down and at Shadwell Hall - within 2.5 and 6.4 kms of the site respectively are significantly larger. Regarding the assertion that visual impacts have been underestimated the consultant advises that he has 36 years of experience preparing LVIA's including within designated landscapes and has provided landscape advice to planning authorities including Shropshire Council and other Councils with respect to poultry appeals. In none of these cases have recipient officers or authorities expressed equivalent concerns. It is pointed out that large agricultural sheds have been consented elsewhere in the Clun Valley to the west of the current site. It is stated with reference to NPPF 115 that the proposed development would have no significant adverse effects on the landscape character of the AONB, nor any significant adverse visual effects on local receptors. Hence, whilst it is a schedule 1 EIA given bird numbers the consultant contends that it should not be regarded as a 'major' development in landscape and visual terms.
- 6.2.28 The AONB Partnership has responded citing amongst other matters that the findings of the LVIA remain unconvincing. The agent has responded that the AONB Partnership provides no evidence to counter its findings and that high level policies in the NPPF protecting the AONB also promote sustainable development. The LVIA concludes that the proposed Hurst Barn development is sustainable and would secure the favourable land management of a considerable area of the floor and lower slopes of this part of the Clun Valley. The documents detailing these further exchanges can be viewed on the Council's online planning register.
- 6.2.29 An objector has also asserted that visibility of the site from 'informal' forestry footpaths to the north and south and the public right of way through Sowdley Wood to the south could increase significantly when any clear felling occurs. The timing of any such felling works is not known. However, it is considered unlikely that all such screening woodland would be felled in one operation as these woodlands will generally comprise a number of separate management compartments with trees of different ages per compartment. The applicant's planting proposals would be expected to provide significant or full screening from the north and south within a 10 year period. Before this time the site would continue to represent a small part of a wider landscape from any such elevated views and would be seen in the context of the existing farm buildings and associated vegetation.

6.2.30 Whilst the poultry houses would be relatively large structures, they would be of 'low profile' design using materials which match the existing buildings on the farmstead. They would be agricultural in appearance and spatially associated with the existing farm buildings, one of which, a grain silo, would be removed. The site would be screened by existing and proposed planting. An objector has asserted that planting adjacent to the buildings may infringe avian flu safeguards by attracting wild birds. The applicant states however that this is not the case and the officer is aware of other examples where planting has been undertaken in equivalent circumstances. The applicant has agreed as part of the landscaping proposals to undertake some further planting to the south of Hurst Barn, between the site and the River Clun. This would be in an area between the site and the nearest properties, including Hurst Mill and the Arvon Centre. An appropriate landscaping condition has been included in Appendix 1.

6.2.31 Given the visual objections raised by the AONB Partnership the officer has commissioned a review of the applicant's LVIA by an independent landscape consultant. This concludes as follows:

i. *'The LVIA appears to cover the required scope. In particular it:*

- *Sets out a methodology and provides measurement criteria against which to make judgements on landscape and visual assessment;*
- *Provides a landscape and visual baseline which has regard to the landscape classifications in the Shropshire Landscape Typology*
- *Describes the proposed description and its permanent and construction phase elements;*
- *Sets out predicted landscape and visual effects;*
- *Measures the significance of those effects, and;*
- *Sets out the planning policy implications.*

Appropriate landscape and visual receptors appear to have been identified. The judgements on sensitivity, magnitude and significance that relate to them appear to be appropriate, although there is less evidence for how they are arrived at than the established practice set out in GVLIA3. As a result, the findings of the LVIA that there are (a) no significant adverse or significant adverse residual visual effects and (b) that the overall residual effect on the local landscape is predicted as being minor and beneficial – based on the quantities of proposed new hedgerow, hedgerow tree and woodland planting – would appear to be sound'.

ii. *Although there are shortcomings in the LVIA methodology, there would be insufficient evidence to refuse the application on this basis, given that the measure of the significance of the landscape and visual effects would appear appropriate;*

- *There is unlikely to be significant detrimental effects on the landscape or recreational opportunities of the AONB;*
- *It is understood that there may be scope to reduce height of the 4 feed bins further. This would help visually assimilate the buildings better;*
- *The landscape proposals could be improved (and the overall predicted minor and beneficial residual effect on the local landscape be made more beneficial) by the following amendments to the landscape proposals and conditioning these appropriately:*
 - o *Relocating the proposed hedge on the southern boundary of the site to the toe of the slope formed by the development platform;*

- o *Planting the 1:5 gradient side slopes to the development plateau with a fast-growing native woodland mix;*
- o *Planting a new woodland area in the internal 'dog-leg' on the west boundary of the riverside field;*
- o *Redistributing the proposed hedgerow standards to be less formal and more in keeping with the existing pattern of hedgerow trees.*

The applicant is amenable to the recommended landscape changes which can be addressed through the recommended landscaping condition.

6.2.32 In conclusion, the concerns of the AONB Partnership and other objectors are noted and it is recognised that the proposals would be visible from a number of locations in the surrounding area, including locally from the public highway and from a public right of way to the south. However, such visibility does not necessarily equate to an unacceptable impact, even within the AONB where particular safeguards apply. Available information confirms that the development would only be visible from a limited number of locations which, with the exception of the highway and right of way, would not be expected to be commonly experienced by the public. The officer would agree with the applicant's landscape consultant's conclusion that the impact of the proposals on any such views and on the wider AONB landscape would not be significant or sufficient to warrant refusal. This is provided the proposals are subject to appropriate landscaping and surface treatment conditions. The officer concludes that any residual visual effects would be limited and outweighed by the benefits of the scheme to agriculture and the local rural economy (Core Strategy Policy CS17, SAMDev Policy MD12).

6.2.33 Heritage: The proposed site is located in the Clun Valley which contains a number of Historic Environment Records. A Heritage Assessment has been undertaken. A site visit has confirmed that there will be no visual impact upon the setting of Radnor Wood Camp or the setting of the Grade II Listed buildings at The Hurst. In addition any potential filtered seasonal views of the roof sections of the proposed sheds from the upper floors of the former main residence (HER 17868) and the former two-storey Stable Block (HER 17869), particularly as tree cover diminishes in winter months, will not be significant. The proposed earth bund and planting will ameliorate this potential visual impact and it is concluded that on completion of the landscaping work, potential views would be negligible. The site visit has also confirmed that there is no direct inter-visibility between Hurst Mill Farm, a former mill site (HERs 15741 & 24466) and the application site, due to natural topography, intervening trees, mature hedgerows and the existing intervening farm buildings at Hurst Barn. The heritage assessment advises that there may be minor temporary visual impact on the built heritage in general during the construction phase of the proposed development, but there will be no permanent adverse visual impact.

6.2.34 The heritage assessment concludes that a mitigation strategy to allow for a conditioned programme of archaeological monitoring would be appropriate in accordance with NNPF to ensure no adverse impact on any potential sub-surface archaeological remains that may exist within the application site. Historic England has not objected on the basis of this information and there are no objections from the Council's Historic Environment team, subject to a recommended archaeological condition. It is considered on this basis that the proposals are compliant with Core Strategy Policy CS17 and SAMDev Policy MD13 and related national guidance.

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- 6.2.35 Manure management: Hurst Barn is not located within a Nitrate Vulnerable Zone (NVZ). Poultry manure is beneficial for soil structure and reduces the need for artificial fertilisers. Currently 500 tonnes of broiler manure is imported to the holding per year equating to 15,000kg of Nitrogen. The proposals would lead to 935 tonnes of manure (28,050kg of Nitrogen in total). However, 435 tonnes would be exported off the holding and so there would be reductions overall in manure and Nitrogen per year.
- 6.2.36 The spreading of chicken manure on the farmland controlled by the applicant has been undertaken for a number of years. Following best practice methods to reduce the potential for ammonia impact on any receiving watercourse. Temporary storage sites would be compliant with the Codes of Good Agricultural Practice for the Protection of Air, Soil and Water. Odour from manure spreading can be mitigated by ploughing promptly. A manure management plan has been submitted and forms part of the applicant's environmental permit. Sufficient land is available to the applicant to spread the manure which would be generated by the poultry operation. It is considered that manure spreading operations can be controlled within acceptable limits provided the proposed management measures continue to apply.
- 6.2.37 Arvon Centre objection: A number of the objections received from the public are from or on behalf of the Arvon Centre, a charitable institution which provides residential creative writing courses and retreats for schools, groups and individuals. The group's centre at the Hurst is located on elevated land overlooking the Clun Valley with the buildings being some 7-830m to the south-west of the application site. The website advises that courses are held 'at three beautiful rural writers' houses' 'with time and space to write, free from the distractions of everyday life'. The website advises that 'recently renovated, The Hurst is a place you can write, far away from daily distractions. The house and gardens were the former home of playwright John Osborne. The grounds boast Redwoods, wild orchids, surrounded by the forest-covered Shropshire Hills, designated an Area of Outstanding Natural Beauty'. 'The 19th century building has been given a thoroughly 21st century renovation. 'The house sits within 26 acres of woodland, with a spring-fed lake and inspiring walks'.
- 6.2.38 Objectors for or on behalf of the Arvon Centre point to the concern that the proposed development would be a visual eyesore adversely affecting the high quality local landscape which was praised by John Osborne. They are also concerned that noise and odour from the proposals would present an adverse amenity impact to visitors to the Centre and that this could in turn lead to a deduction in visitor numbers. Significant grant funding has been expended recently to refurbish the centre's buildings. One objector states that more work is planned, including renovation of the historic Victorian garden with one objective being to re-open former views down the Clun Valley which would potentially encompass the Hurst barn complex. It is stated that the garden should be worthy of listing, like the grade II listed buildings at the Arvon Centre. Another objector advises that the land owned by the Centre where visitors may walk also encompasses meadowland which is closer to the application site.
- 6.2.39 The Arvon Centre is a valued facility which draws visitors to this part of Shropshire and which makes a significant contribution to the local economy and employment and to the County's cultural offer. It is recognised that the Centre markets itself specifically on the quality and tranquillity of the site and the local AONB landscape. This is seen as critical for establishing the right mental environment for literary composition, as recognised by

the playwright John Osborne. These characteristics render the Arvon Centre particularly sensitive to environmental disturbance. Hence, the objections received are not unexpected, given also in particular the significant effort clearly being expended to refurbish, promote and extend the Centre's activities.

6.2.40 Were the current proposals to have any potential for significant adverse effects on the Arvon Centre then this would clearly weigh heavily against the scheme. However, the information submitted by the applicant indicates that this would not be the case. In terms of noise the submitted information indicates that extractor fans would not be audible from the Arvon Centre and its grounds. In terms of odour, a dispersion model indicates that such levels would be within EA recommended levels at a radius of 150m from the proposed poultry units during temporary 'worst case' crop clearance activities. The Arvon Centre is located 4x this distance away. In terms of manure spreading the applicant has for some time been spreading manure on the holding fields at a rate of 500 tonnes per annum in full accordance with relevant environmental regulations. No complaints have been received. There would be no change to these levels under the current proposals. Manure would no longer need to be imported to fertilise and condition the fields. 500 tonnes would be exported to other land in covered loads. In terms of traffic, the 17% increase in vehicle movements would equate to an average of 1.8 extra individual movements by tractor and trailer or lorry. Such levels would not be expected to have any impact at the Arvon Centre.

6.2.41 In terms of visual impact the applicants visual appraisal comments as follows with respect to the Hurst: 'This property is orientated north-north-east to south-south-west, with potential views from its habitable rooms or curtilage towards the proposed Hurst Barn development site, which is some 0.74kms to the north-east. Views from the curtilage of this house to the north-east are screened by intervening groups of existing trees, riparian woodland and mature field boundaries and hedgerows and trees. The nature of the predicted magnitude of change in the view from here on completion of the construction phase would be negligible adverse but not significant. The residual magnitude of effect following the full establishment of the new site boundary hedgerow with trees on the raised ground level would be negligible adverse but not significant'. 'Also nearby to the south west is the main building at The Hurst, formerly the principal residence here. This property has potential views from some rooms on its upper floors towards the development site which is some 0.83kms to the north-east. Views to the north-east from the lower floors and the curtilage of this house are screened by intervening groups of existing trees and shrubs. Some upper parts of the roof of Shed 2 may be glimpsed through the tracery of deciduous tree branches during the winter aspect. The nature of the predicted magnitude of change in the view from here on completion of the construction phase would therefore be negligible adverse but not significant. The residual magnitude of effect, following the full establishment of the new site boundary hedgerow with trees on the raised ground level, would be negligible adverse and so not significant'.

6.2.42 Some limited views of the development may therefore be afforded from some upstairs windows within the Arvon Centre at a distance of 700-830m in winter time, filtered through the branches of deciduous trees. Such views would however be seen in the context of the existing farm buildings and would not be significant at this distance. The applicant's landscape proposals would provide significant mitigation and specifying some 3.5m standard trees in the planting mix would allow this to occur at an early

stage. The applicant has also agreed to investigate the potential to undertake some additional planting in the area to the immediate south west of the existing farm to provide further mitigation and landscape enhancement and an appropriate condition has been recommended. Overall it is concluded that any residual effects on the Arvon Centre would be restricted to minor visual effects which would not sufficient to justify a planning refusal. To provide added reassurance an amenity complaints condition has been recommended which would formalise a requirement for an immediate investigation and remedial measures in the event that any amenity complaints attributable to the development are subsequently received and validated by the Local Planning Authority.

6.2.43 Ground levels: The applicant has recently submitted an amended plan showing a minor reductions in ground levels of the poultry units. The unit nearest to the highway would now be set down by 30cm and the second unit by 60cm relative to the originally submitted levels. This would be visually beneficial and would avoid the need to provide a 1m bank at the eastern end of the southernmost poultry house which would otherwise have been required due to the slope of the land. It would also assist with achieving a balance of cut and fill materials within the site. Given the very minor nature of this change the amended levels plan can be accommodated without a requirement for formal re-consultation. The corresponding 30cm and 60cm reduction in ridge heights would also have some landscape benefits.

6.3.44 Conclusion on environmental acceptability: Available information including the advice of technical consultees indicates that the proposals would not result in any unacceptably adverse effects on the AONB environment or local amenities once available mitigation measures and the recommended conditions and legal agreement have been taken into account. The third test set by NPPF paragraph 116 can therefore be met.

6.4 Other Matters:

6.4.1 The applicant has confirmed the following points in response to comments from an objector:

- That appropriate access can be achieved around the proposed buildings for fire safety purposes;
- That sufficient area is available for HGV circulation within the site, including through use of an existing hardstanding area to the immediate west of the site;
- That sufficient space exists to accommodate the proposed dirty water storage tank at the south-west corner of the site without impacting on vehicular circulation.

6.4.2 A consultant acting for an objector has suggested that updated habitat mitigation details recently provided by the applicant amount to 'new information' and accordingly should trigger a re-consultation under Regulation 23 of the EIA Regulations. The officer has advised that the information referred to is not 'new' for the purposes of Regulation 23 but instead is a collation and refinement of information which has been publicly displayed on the Council's website for a considerable time. As such, it does not meet the trigger for re-consultation under Regulation 23. Notwithstanding this, a notice has been placed as a precautionary measure in the Shropshire Star to reduce the possibility of a legal challenge on this matter. The effect of this is to prevent the issue of any planning decision until 21 days has elapsed from the date of the notice (i.e. until

15th April). If any material new issues are raised within this timescale by members of the public in response to the information in question then it would be necessary to consider reporting the application back to the committee.

7. CONCLUSION

- 7.1 The proposals are for schedule 1 EIA development in the Shropshire Hills AONB. As such, they must be in the public interest and must comply with the three exceptional circumstance tests for major development which are set out in paragraph 116 of the NPPF.
- 7.2 In terms of the first test (need and justification) subject to the other considerations referred to below the proposals are considered to represent an appropriate way in principle of diversifying and modernising the farm business to ensure its future profitability / robustness whilst continuing to contribute to the local economy and employment. It would also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry products. The proposals therefore comply in this respect with Core Strategy policies CS5 (Countryside) and CS13 (economy).
- 7.3 In terms of the second test (alternatives) it is not considered that there are any viable alternatives available to the applicants in land they control. The site is spatially associated with an existing farm buildings complex which serves as an existing hub for activity within the holding. As such, it benefits from existing infrastructure and highway access. It is also remote from private residential property and, except for the AONB designation, is not affected by any other statutory designations. The suggestion that an equivalent business could be established outside of the AONB is not considered to be a valid alternative.
- 7.4 In terms of the third test (environmental acceptability), the applicant has submitted a comprehensive Environmental Statement containing detailed consultant's reports assessing individual issues raised by the proposals. None of these reports identify any significant environmental concerns once appropriate mitigation measures have been taken into account. Concerns have been raised by Clunton Parish Council, Clun Town Council, the AONB Partnership, some local residents and the Arvon Centre. These concerns are recognised and relate to valid land use considerations. At the same time, there has also been significant support for the scheme from the local community including from some of the nearest properties. There are no outstanding objections from technical planning consultees who are satisfied that there would be no adverse environmental effects once the proposed mitigation measures are in place. There would be comprehensive control of site operations under the Environmental Permitting system administered by the Environment Agency.
- 7.5 With reference to the Clun Catchment, Natural England accepted the recommendations of the Council's first Habitat Regulations Assessment subject to confirmation of delivery mechanisms. An updated HRA clarifies these mechanisms and provides additional mitigation as requested by SC Ecology in consultation with Natural England. Natural England's formal response to this re-consultation is due a week before the 4th April Committee. Based on detailed discussions between officers and Natural England and officers there is no reason to suspect any issues with the measures proposed which have the potential to deliver environmental improvements

relative to the current situation. Similar measures have been accepted by Natural England at other recent poultry sites within the Clun Catchment. In view of this it is concluded at this stage that there would be no adverse impacts on the Special Area of Conservation or on other ecological interests.

- 7.6 In terms of the AONB a visual appraisal confirms that views of the site would be limited and seen in the context of the existing farm buildings. The 'low-profile' design and surface treatments of the buildings and the proposed comprehensive landscaping measures provide additional reassurance. The concerns of the Arvon Centre are acknowledged. However, the available information indicates that any visual impacts would be minor and no other material impacts would be likely to occur relative to the existing situation. Hence planning refusal on this basis would not be justified.
- 7.7 In conclusion, the scheme would deliver significant benefits in terms of supporting rural food production - a key Shropshire industry (Core Strategy Policy CS13) and the strong national demand for home-produced poultry meat. In so doing it would also support the vitality of local agriculture and hence the rural community (Core Strategy Policy CS5). Available information indicates that the proposals would not give rise to any unacceptably adverse environmental effects once proposed mitigation and relevant planning and permitting controls are taken into account. Therefore, the officer considers that the benefits of the proposals are sufficient to demonstrably outweigh any negative effects. As such the proposals are considered to be in the public interest on balance and accordingly the tests set by NPPF paragraph 116 are considered to be met. By implication, the scheme is considered to be sustainable and compliant with the development plan overall, subject to the recommended conditions and legal agreement.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

Human Rights

Contact: Tim Rogers (01743) 258773

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. BACKGROUND

RELEVANT PLANNING POLICIES

Central Government Guidance:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

- 10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS7: Communications and Transport;
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment;
- CS17: Environmental Networks.

10.3.1 Site Management and Allocation of Development Document (SAMDEV) Relevant policies include:

- MD2 – Sustainable Design;
- MD7b– General Management of Development in the Countryside;
- MD8 – Infrastructure Provision;
- MD12: The Natural Environment;
- MD13: The Historic Environment.

11. RELEVANT PLANNING HISTORY:

- PREAPP/09/00338 Free Range Poultry building PRRQD 2nd November 2010
- 09/01299/FUL Erection of free range hen laying building incorporating egg store, office, together with erection of 2 x grain silos NPW 12th October 2009
- 12/00925/AGR Erection of lambing shed WDN 14th March 2012
- 12/01553/FUL Erection of general purpose agricultural building GRANT 9th October 2012
- SS/1/99/009752/NT Erection of an agricultural building. PERCON 16th April 1999
- 14/00742/SCO Scoping Opinion - Two Poultry Buildings with feed bins and ancillary equipment. SCO 3rd February 2015

- 16/03334/EIA Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access PDE

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OAZJEFTDFYP00>

List of Background Papers : Planning Application 16/03334/EIA and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Nigel Hartin

Appendices: APPENDIX 1 - Conditions

APPENDIX 1

Conditions

DEFINITION OF THE PERMISSION

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application form dated 27th July 2016 and the following approved documents and plans:

Approved Documents:

- Design and Access Statement by Halls;
- Environmental Statement by Halls;
- Appendix 1 – Scoping Opinion;
- Appendix 2 – Landscape and Visual Impact Assessment;
- Appendix 4 – Notes on vehicle movements;
- Appendix 5 – Ammonia report;
- Appendix 6 – Hydrological Impact Assessment;
- Appendix 7 – LVIA Non-Technical Summary;
- Appendix 9 – Phase 1 Habitat Survey;
- Appendix 10 – Further statement to Natural England;
- Manure Management Plan – Halls;

Approved Plans:

- Drawing No. 8998-02A - Landholding;
- Drawing No. 8998-04 – Access alterations;
- Drawing No. 8998-06 – Building plan and elevation;
- Drawing No. 8998-07 – Site layout;
- Drawing No. 8998-08 – Site drainage layout;
- Drawing No. 274/01 – Landscape proposals;
- Drawing No. 9759 – Manure management.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITIONS WHICH REQUIRE ACTION PRIOR TO THE COMMENCEMENT OR BRINGING INTO USE OF THE DEVELOPMENT

3. Notwithstanding the access plan submitted in support of the application a detailed plan showing the access and internal circulation routes within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. The submitted plan shall in particular make provision for the following matters:

- Confirmation that there is sufficient space for 2 HGVs to pass from the junction with the public highway to a location at least 15m south of the junction.
- Provision for the access gate to the site to be set back by at least 10m from the junction with the public highway;
- Provision of a swept path plan for principal circulation routes within the site which confirms the capacity of the site to safely accept HGV manoeuvring

The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the site.

Reason: In the interests of highway and operational safety

- 4a. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall amongst other matters detail the following:

- i. Management of vehicle movements;
- ii. Timing of the development;
- iii. The proposed hours of operation;
- iv. Any measures for protecting local amenities with respect to noise, dust and light pollution;
- v. The location of any temporary contractor's compound and internal parking provisions;
- vi. Measures for preventing pollution to water resources, including by silt laden surface water run-off.

- b. The Construction Management Plan shall also incorporate the following measures to protect biodiversity:

- i. Risk assessment of construction activities potentially damaging to biodiversity

Contact: Tim Rogers (01743) 258773

- ii. Identification of “biodiversity protection zone”.
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features
 - v. Responsible persons and lines of communication
 - vi. Use of protective fences, exclusion barriers and warning signs.
- c. The Construction Management Plan shall be implemented strictly in accordance with the approved details throughout the construction period.

Reason: In the interests of local amenities, pollution protection and highway safety (4a), to ensure the protection of the River Clun SAC, a European Protected Site (4b) and to secure implementation of the Construction Management Plan (4c).

5. Works shall be carried out strictly in accordance with the approved plans and as shown on indicative site plan drawing number 9759 titled Ecological Mitigation Plan dated 6th March 2017. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.

6. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Management Plan (Condition 4a and 4b). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: Since irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is often necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, e.g. by earth-moving machinery.

- 7a. No development shall take place until an ecological design strategy (EDS) detailing ecological mitigation, compensation, enhancement and restoration measures including planting proposals has been submitted to and approved in writing by the local planning authority. The EDS shall include the following measures:

- i. Purpose and conservation objectives for the proposed works;
- ii. Review of sites potential and constraints;
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. Extended and location/area or proposed works on appropriate scales maps and plans e.g. fenced and planted buffer from top of the watercourse, planted bund to the south of the poultry units;
- v. Details of proposed planting measures including type and source of material to be used, e.g. list of native species of local provenance;
- vi. Timetable for implementation demonstration that works are aligned with proposed phase of development;
- vii. Person responsible for implementing the works;
- viii. Details of the initial aftercare and long-term maintenance;
- ix. Details for monitoring and remedial measures;

- x Details for disposal of any waste arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.

- b. All new planting shall be subject to a minimum 5 years of aftercare with replacement of any failures with species of an equivalent type within this timescale.

Reason: In the interests of biodiversity conservation.

- 8. Further to conditions 7a and 7b a landscape and management plan (LMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LMP shall include the following measures:

- i. Description and evaluation of features to be managed
- ii. Ecological trends and constraints on site that might influence management
- iii. Aims and objectives of management
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five – year period)
- vii. Details of the body or organization responsible for implementation of the plan
- viii. On-going monitoring and remedial measures

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still deliver the fully functioning biodiversity objectives of the originally approved scheme. The plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity conservation.

- 9a. Prior to occupation of the buildings, a 'lighting design strategy shall be submitted to and approved in writing by the local planning authority. Lighting shall be designed to minimise light disturbance. The strategy shall also:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of visual amenity and to minimise disturbance to bats, a European Protected Species.

Drainage and pollution

- 10a. Details and sizing of the proposed soakaways shall be submitted to and approved in writing by the Local Planning Authority Prior to commencement of the development. Percolation tests and the sizing of the soakaways shall be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. If this is not achievable then soakaways may be designed for the 1 in 10 year storm event provided details confirming flood routing showing what would happen in an 'exceedance event' above the 1 in 10 year storm event have been submitted to and approved in writing by the Authority. Flood water shall be managed so that there are no adverse effects on any buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways shall be submitted for approval.
- b. All surface water which is directed to soakaway shall pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

11. If non permeable surfacing is used on the new access and hardstanding area or the new access slope towards the highway, the applicant shall submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway runs onto the highway.

12. Prior to the commencement date a scheme detailing how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that polluted water does not enter the water table or watercourse.

Archaeology

- 13 No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Appearance of buildings and structures

- 14a. No development shall commence on site in connection with the approval until details of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The external finish of the new buildings shall be in a Jupiter / fern green colour. The development shall be carried out in accordance with the approved details.
- b. A scheme to reduce the visibility of the feed bins through use of colour cladding and / or reduction in height of local ground levels shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Reason: To protect visual amenity within the Area of Outstanding Natural Beauty.

Complaints procedure

15. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
 - i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

CONDITIONS WHICH APPLY FOR THE LIFETIME OF THE DEVELOPMENT

16. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

18. The delivery of poultry feed to, and the removal of poultry manure from, the development shall take place only between the hours of 07:00 to 18:00 on Monday to Friday, and 08:00 to 13:00 on Saturday, and shall not take place at any time on Sunday or Bank Holidays.

Contact: Tim Rogers (01743) 258773

Reason: To protect the amenities of the area.

Informative Notes:

Ecology:

- i. *Otters are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb an otter; and to damage, destroy or obstruct access to its breeding and resting places. There is an unlimited fine and/or up to six months imprisonment for such offences. On sites close to river banks, alongside streams and around pools, otters may occasionally be encountered and contractors should be vigilant when working on site. No night-time lighting should be used in such locations and trenches and open pipework should be closed overnight. If any evidence of otters (holts, scats, footprints or direct sightings) are discovered then the development work must halt and a licensed ecologist and Natural England must be contacted (0300 060 3900) for advice. The Local Planning Authority should also be informed.*
- ii. *Himalayan Balsam is an Invasive Non-Native Species listed on Schedule 9 of the Wildlife and Countryside Act. Any soil excavated that contains parts of this plant is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.*
- iii. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees. If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.*
- iv. *Badger: Prior to commencement of works on site a check for badger setts within 30m of the proposed groundworks should be completed by a competent ecologist. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. An experienced ecologist should assess whether any badger setts are present in the hedgerows. If any hedgerow removals are planned within 30m of the sett then it may be necessary to apply for a Licence to interfere with a Badger Sett for the Purpose of Development from Natural England. The applicant should follow the advice of their experienced ecologist throughout the works. If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992.*
- v. *Excavations: Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank.*

Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

- vi. *Wild birds: The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

Drainage

- vii. *Informative: As part of the SuDS, the applicant should consider employing measures such as the following:*

- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new access and hardstanding area*
- *Attenuation*
- *Greywater recycling system*
- *Green roofs*

Fire fighting

- viii. *It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5.' provides details of typical fire service appliance specifications.*
- v. *It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.*



APPENDIX 2

Habitat Regulation Assessment (HRA) Screening Matrix

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number: 16/03334/EIA

Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA

Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access.

Date of completion for the HRA screening matrix:

8th March 2017

HRA screening matrix completed by:

Nicola Stone
Planning Ecologist
01743-252556

Table 1: Details of project or plan

| | |
|---|---|
| Name of plan or project | 16/03334/EIA Hurst Barn Clunton Craven Arms Shropshire SY7 0JA Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access. |
| Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development. | <p>River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>. The River Clun SAC is currently failing its water quality targets particularly Nitrogen, Phosphate (ortho-phosphates), and Suspended Solids. An iterative approach to restoration is being pursued, firstly aiming for the short-term target of 0.02mg/l of phosphate in the river by 2019 and then 0.01mg/l after 2019. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area.</p> <p>Annex II Species that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> Freshwater pearl mussel <i>Margaritifera margaritifera</i> <p>River Teme SSSI The River Teme (441 ha) is designated as a Site of Special Scientific Interest</p> |

Contact: Tim Rogers (01743) 258773

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| | (SSSI) along its whole length. In addition, the SSSI includes the lower reaches of the River Clun. The features for which the SSSI is of special interest are: Type VI sandstone river with mudstones and hard limestones; Type VII river showing mesotrophic status derived from an oligotrophic catchment; Otter; Twaite Shad; White-clawed Crayfish; Freshwater Pearl Mussel; Riffle Beetle Assemblage. |
| Description of the plan or project | <p>Construction of two poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access.</p> <p>The proposed application will house 100,000 broilers.</p> <p>SC Ecology has identified the following potential effect pathways which have been addressed by the applicant with appropriate supporting documents:</p> <ol style="list-style-type: none"> <i>1. Possible impact of ammonia emissions on the River Clun SAC.</i> <i>2. Possible increase in sediment flow to the southern stream impacting upon the designated features of the SAC during construction.</i> <i>3. Increase in phosphate/nitrogen from dirty water drainage treatment</i> |
| Is the project or plan directly connected with or necessary to the management of the site (provide details)? | No |
| Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)? | <p>Other known plans and projects which may affect the River Clun SAC are summarised below. Please note that applications for dwellings or employment projects generating waste water are being assessed against an interim guidance note agreed with NE and EA and are therefore are not considered in combination with the current poultry proposal.</p> <ol style="list-style-type: none"> 1) 14/05323/FUL - Walcot Farm, Lydbury North – Granted Planning proposal 14/05323/FUL had demonstrated that, providing the application is granted permission, there will be a reduction in 1320kg/y of fertiliser applied to 6 hectares of the applicants land next to the proposed unit. In the modelled area (3km x 3km) this would result in a net reduction of 718.8kg/y of nitrogen being added to the modelling domain area each year. Shropshire Council's appropriate assessment concluded that it was able to ascertain that the proposal would not result in adverse effects on the integrity the River Clun SAC. Natural England concurred with the assessment conclusions, providing that all mitigation measures were appropriately secured in any permission given. 2) 14/03290/EIA Hoptonheath – Refused/Appeal in Progress Planning proposal 14/03290/EIA had demonstrated that, providing the application is granted permission, there will be a net loss in the <u>existing</u> overall ammonia deposition by -14% kg of nitrogen per year within a 3km x 3km modelled area. Shropshire Council's appropriate assessment concluded that it was able to ascertain that the proposal would not result in adverse effects on the integrity of the River Clun SAC. Natural England concurred with the assessment conclusions, providing that all mitigation measures are |

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| | <p>appropriately secured and enforced in any permission given.</p> <p>3) 13/04877/EIA Manor Farm, Craven Arms – Granted Natural England commented that the proposal was unlikely to have a significant effect on any European site (including the River Clun SAC), and can therefore be screened out from any requirement for further assessment.</p> <p>4) 13/00519/FUL Newcastle Court, Newcastle – Pending Consideration. This proposal is retrospective and has been in use as a pheasant rearing unit since 2012. Therefore it can be considered that impact from Newcastle Court on the River Clun SAC is already included within the 'Background' levels. Currently the proposal has failed its Habitat Regulations Assessment and water monitoring detail has been requested by Natural England prior to a planning decision being made. When this proposal is considered under the HRA process it will be considered in combination with other applications in the River Clun Catchment.</p> <p>5) 12/03853/FUL Meadowend Farm, Bishops Castle – Granted. Natural England commented that subject to the proposals being carried out in strict accordance with the details submitted, (including any conditions or legal agreements), that it could be ascertained that the application would not adversely affect the integrity of the River Clun SAC.</p> <p>5) 12/04651/EIA Guilden Down, Clun Natural England had no objection to planning application 12/04651/EIA – this proposal was prior to the River Clun Nutrient Management Plan.</p> <p>The applicant for planning proposal 16/03334/EIA is proposing to reduce nitrogen application by 410kg/y on 3 fields at Hurst Barn to mitigate for the aerial emissions produced from the poultry unit. Therefore there should be no net increase in ammonia in the Clun catchment from this proposal. The applicant has proposed significant improvements to the land use bordering the river Clun including – increased fenced and planted buffer zones to the watercourse, no spreading of fertiliser in 30m of the watercourse, additional sediment control features during and post development.</p> <p>The proposed mitigation has been development on computer modelling for 180,000 birds, 80,000 more bird places than what the planning proposal allows. In order to monitor the proposed mitigation there will also be water sampling which, if there is shown to be an increase in orthophosphates, nitrate, suspended solids, then remedial measures will be taken.</p> <p>Please see conclusion on cumulative impacts below.</p> |
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Statement

Natural England has formally responded to Shropshire Council regarding this application in a memo dated 31st August 2016.

The memo has summarised the discretionary advice service that has been given to the applicant on the; 14th July 2014, 23rd January 2015, and 17th December 2015.

Natural England must be formally re-consulted on Shropshire Council's current HRA (dated 6th March 2017) and comments must be received prior to a planning decision being made.

Contact: Tim Rogers (01743) 258773

Additional Information used to support this HRA:

- Ecological Mitigation Plan produced by Halls received via email from Shaun Jones dated 6th March 2017.
- Proposed Ecological Mitigation Plan produced by Halls received via email from Shaun Jones dated 6th March 2017
- A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed broiler rearing unit at Hurst Barn prepared by Steve Smith (September 2015)
- Nitrogen Audit for Hurst Barn Landholding 2014, 2015, 2016 sent via email from Shaun Jones dated 02.12.2016

Justification;

The information provided by the applicant is summarised below and listed under the appropriate potential effect pathway;

1. Possible impact of ammonia emissions on the River Clun SAC

Supporting Evidence from the Environment Agency:

Pre-application report from the Environment Agency 28th February 2014

- The screening assessment has been conducted based in 180,000 birds (the current planning application is for 100,000 birds).
The EA, as a more competent authority when assessing aerial emissions, has screened out the ammonia impacts from the proposed development on SAC, SPA and Ramsar sites within 10km; SSSIs within 5km; NNRs, LNRs & LWS within 2km. The EA have stated that detailed modelling is not required.

The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authorities when completing their assessment. Shropshire Council can therefore assume that the Environment Agency has taken into account the River Clun SAC and any in-combination affects when assessing ammonia emissions and the potential impact on designated sites.

Supporting Evidence from the applicant:

Steve Smith, Ammonia Modelling Report (4th September 2016) has concluded that the predicted maximum annual mean ammonia concentrations at all the nearby wildlife sites (AWs, LWSs, SSSIs and SACs) from ammonia deposition are at levels that would normally be deemed insignificant for EA permitting purposes.

The Ammonia Modelling Report states the predicted level of ammonia deposition over the 3kmx 3km (900ha) modelling domain is 410kg per year. In order to mitigate for this additional ammonia in the River Clun Catchment from this planning proposal the following removal of nitrogen from the current land practise has been proposed;

Field number 3909 (2.3ha), 4789 (2.83 ha), and 1914 (2.70 ha) as shown on the proposed mitigation site plan shall have **no fertilizer applied for the lifetime of the development** in order to achieve a reduction of 410 kg of Nitrogen per year.

(Please refer to Nitrogen Audit 2016 which shows application of; Through River Field Number 4789, 2.83 hectares 141 kg/ha, Top Pasture Field Number 1914, 2.70 hectares 134 kg/ha, and Barn Field Clunton Field Number 3909, 2.72 hectares 135kg/ha).

Records of historic and ongoing applications of manure to prove compliance with the reduction of fertiliser will be kept and made available to the Council upon request. There will be no more than 500 tonnes of poultry manure applied to the Hurst Barn land holding in any one calendar year. This is the same quantity of poultry manure which has previously been imported to Hurst Barn. All surplus manure will be exported from the holding and out of the Clun catchment. No manure is to be spread within 30m of any watercourse within the landholding.

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In order to aid the absorption of nitrogen there will be additional planting of broad-leaved trees at Hurst Barn;

- 24m of new hedgerow by the farm entrance
- 135m of new hedgerow on the bund which is to be created to the southern boundary of the poultry unit
- New trees within existing hedgerow boundaries
- 40m of new hedgerow south of the farmhouse
- Supplementary planting on the terrace by the river in field 3909 (155m x 10m width)
- New fenced buffer strip and planting in field 1914 (100m x 10m width plus 170m of 5m wide)

2. Possible increase in sediment flow to the southern stream impacting upon the designated features of the SAC during construction.

The main existing relevant buffer strips to the water course are;

a) Fenced off grass strip at southern end of field 3909 - approx. 5-10m in width. This strip is both east and west of the crossing point of the river. The crossing point needs to be left in place for essential activity; taking sheep across it 5 times per year and taking the combine across twice per year. There is no other vehicular access which can serve this purpose.

b) Field 7895 0.54ha/ (still subject to sheep grazing)

These are within the holding's ELS scheme with reduced fertiliser application rates.

Proposed additional buffer strips as part of this application which will reduce sediment load to the River Clun:

Field 3909 southern boundary by the river; the strip will be planted with mixed native broad-leaved tree species. The total length will be planted (allowing for the river crossing and a gateway) giving approximately 155m tree screen at 10m width from the top of the river bank. The understory of the trees will be allowed to develop once the trees have established and there will be no grazing underneath.

Field 1914 – southern boundary by the river. A new strip is proposed for a length of 100m with width of 10m measured from the top of the bank fenced off and planted with broad-leaved species. A further strip to west of 5m width continuing for 170m will be fenced off and planted. The understory of the trees will be allowed to develop once the trees have established and there will be no grazing underneath.

The Hafren Water report states that during construction, site run-off will be carefully managed to ensure pathways for sediment loss from the construction site to the River Clun are mitigated. This will be achieved through considerate storage of topsoil and use of silt fences, if and where required. The residual impact is assessed as 'low'.

The applicant has confirmed that;

As the construction site is relatively level the volume of soil to be excavated and moved is relatively small. There is no need for deep excavation. The surplus spoil will be used to form a gentle profile bund at the southern end of the site. No spoil will be taken off site. Due to the relatively small volumes and the free draining nature of the soil potential for runoff of sediment from the site during construction is limited. Despite this the mitigation includes a silt fence being circa 130m in length along the contour of the field. This would be erected at the southern end of the temporary construction area. The proposed supplier is Hy-tex with a Terrastop premium Silt fence. It would be erected at least 60m from the river.

The Applicant has agreed to install a stoned surface on each side of the river next to the crossing point on the southern boundary of field 3909 to further reduce sediment levels in the water.

3. Increase in phosphate/nitrogen from dirty water drainage treatment

a. Grey water treatment

Contact: Tim Rogers (01743) 258773

Clean roof water runoff will be collected via the drains along the length of the sheds. The drains will be connected to a French drain system so that the water can percolate into the soil. Percolation test results have been submitted in support of this proposal dated 13th, 15th and 16th September 2016. Percolation value was 22.75 seconds and deemed acceptable for a drainage field.

b. Dirty water treatment

Dirty water is only created at the site when the sheds are washed out at the end of each cycle which is about every 7 weeks. Manure is removed and the sheds are washed over a maximum of 3 days. For the remainder of the crop cycle the concrete service apron is kept immaculately clean. At the end of the washing out, the yard is washed off. The water from washing out the shed and the yard will be collected via the sealed concrete yard and steered into the grid leading via an underground pipe to a sealed underground storage tank of circa 30,000 litres capacity. The tank will be made of fibre glass and placed under an area where there will be no vehicle movements on top.

The tank will automatically be emptied at the end of each production cycle so that it is empty prior to the end of the next cycle. The applicant will use a vacuum tanker to remove the dirty water and spread it on suitable land. A 30,000 litre tank will be more than sufficient for washing two sheds which allows the dirty water to be spread when ground conditions allow. The dirty water has very dilute manure content so it is a very low risk material compared to farm slurry or yard manure. It is a significantly lower risk than manure/liquids which are currently in the yard at Hurst barn.

The dirty water would not be spread on fields south of the road. It would be spread in accordance with the proposed manure Management Plan which addresses gradient and suitability of each field. There would be no spreading within 30m of a watercourse or 50m of a well if ground conditions are unsuitable for spreading at the holding, the applicant will take it to land outside of the Clun catchment.

A sensor will be fitted in the tank so that when the tank is 80% full a light in the control room of shed 2 illuminates. This will allow enough time to ensure the applicant empties the tank so that it can never get full. The concrete yard to the west of the buildings will be designed and built to contain water. Water from washing the sheds will be collected in a grid at the front of the sheds. An underground drain of sufficient diameter will connect directly into the dirty water tank with a valve so that it can only flow to the tank. The yard will have a gentle slope inwards from all four directions. This will ensure the water flows to the centre and can't spill over the edge of the concrete. Under the centre of the yard will be another drain (with chambers above from the yard) so that dirty water will flow into the tank via a one way valve.

As an extra precaution the southern end of the concrete yard will be finished with a lip being 100mm in height above the edge of the concrete to prevent any spillage.

Proposed Water Monitoring Regime

Natural England has requested a proposed water monitoring regime to ensure that the Steve Smith Ammonia modelling, which has been used to design the mitigation to support this proposal, is accurate in reality.

The applicant has put forward the following example water monitoring regime;

- a) This will be implemented to provide data to assess any potential impact upon water quality.
- b) Hafren Water will be asked to review and comment upon the data and whether there is any impact upon the River Clun. It will consider relevant data from the Environment Agency
- c) The regime will be carrying out monthly water monitoring at two points in the river, A and B on the attached plan, testing for orthophosphate, Total oxidised nitrogen and suspended solids (or alternatives to be agreed in advance). Point A is selected because it is the most westerly point where both sides of the river are owned by the Applicants' family. Point B is chosen because both sides of the river are in the applicants' family's control. A and

Contact: Tim Rogers (01743) 258773

B are therefore the best points to focus on potential contributions from the poultry enterprise upon water quality

d) It will start before shed construction starts and will continue for an initial period of four years after first occupation of the sheds. There will be circa 6-8 months of test results available before the sheds are in use. This will allow the trigger level to be set.

e) The favourable condition levels for FWP Mussels are;

Orthophosphate (Interim target of 0.02mg/l up until 2019, and 0.01mg/l thereafter)

Nitrate 1.5mg/l

Suspended solids 10mg/l

f) Between points A and B there are no tributaries in to the River Clun.

g) Weather conditions will be recorded at the time of samples being taken. Samples will be taken immediately to the laboratory in Craven Arms.

h) Sampling and analytical methods used must be the same as those used by the EA.

i) Sample swill is taken on the first Monday of each month.

j) EA data will be obtained for their nearest sampling points for comparison purposes.

k) Accurate Manure, crop and fertiliser application details of all fields at the holding will be kept as stated in the UU.

l) Records of any spillages or system failures at the poultry site will be kept.

m) Visual inspection of runoff routes following heavy rainfall will be carried out and records kept in relation to fields 1914, 3909, 2395, 4789, 5806, 7895, 7090 and 1703.

n) Any major bank erosion between the sampling points will be recorded.

o) The Applicant will provide an annual written statement, prepared by a suitable experienced person, to the Council at the end of each calendar year showing the results and their analysis.

This shall be shared with NE and the EA.

p) A Trigger point/threshold will be set based upon results prior to use of the poultry sheds and comparison between points A and B. the trigger would be activated if there as a consistent increase in TON/suspended solids between sample points within a year without clear explanation from the records.

As an example the trigger would require;

- Immediate mitigation measures from any identified source of contamination
- Increased/targeted monitoring to identify the source of contamination
- If TON/suspended solids increase for 2 consecutive years without a source being identified an escalated level of precautionary measures would be devised and implemented until levels at point B are equivalent to A or less.

Remedial measures could include;

- Increasing width of buffer strips
- Planting taller vegetation on buffer strips
- Catch pits, swales, reed beds to catch sediment before it washes off fields
- Reduce fertiliser applications on the closest fields

q) The Applicant will fully comply with Planning conditions and the Environmental permit

r) After the initial four years (after first use of the poultry sheds) a review will take place so that the testing can be less frequent if testing results do not show the poultry sheds are leading to increased levels of orthophosphate, nitrogen and suspended solids getting into the river.

s) A new gateway will be installed within field 7895 as shown on the plan so stop sheep from congregating on a narrow strip which leads to poaching. This will reduce potential for sediment flow into the river.

t) In addition to s) above the Applicant agrees to not carry out lambing in the buildings at Hurst Barn or feed sheep outside in the farmyard. As a result sheep activity at the farmstead will be considerably reduced. The advantage is that there will be no mud at the farmyard and no poaching from sheep moving to and from the feeding area.

A planning condition has been included in the UU which will secure water sampling and suitable remedial measures.

Conclusion

The mitigation measures included within the proposal has led SC Ecology to conclude that the proposal will not adversely affect the integrity of the interest features for which the River Clun SAC is designated. Based on the above detail SC Ecology considers that the proposal will have no likely significant effect alone or in-combination on the River Clun SAC.

Providing the following conditions (1-6) are secured by a Unilateral Undertaking and are on the decision notice which can be appropriately enforced, Shropshire Council has concluded that the proposed development will not impact on the integrity of the River Clun SAC or River Teme SSSI.

The following conditions (1-6) will ensure the above mitigation is secured in a Unilateral Undertaking;

1. Fields numbered 1914 (2.7 ha), 3909 (2.72 ha), 4789 (2.83 ha) shall have no organic or artificial fertiliser applied for the lifetime of the development under the terms of this agreement to achieve a reduction of 410kg of Nitrogen per year.
2. No more than 500 tonnes of organic (poultry manure) fertiliser, in any one calendar year, will be applied to the whole holding at Hurst Barn. All surplus manure will be exported out of the River Clun Catchment.
3. No fertiliser (organic and inorganic) will be applied within 30m of any watercourse in the Hurst Barn landholding.
4. The applicant will keep records of historic and ongoing applications of organic and artificial fertiliser on all fields at Hurst Barn to prove compliance with conditions 1, 2, 3 above and will make these details available to the council upon request.
5. Additional fencing and tree planting will be carried out in buffer strips from the tops of the river banks of field 3909 (155m length x 10m width) and field 1914 (100m x 10m width and 170m of 5m wide) as shown on the indicative site plan drawing number 9759 titled Ecological Mitigation Plan dated 6th March 2017.
6. **Water Quality Monitoring Strategy (and remedial measures) BS 42020:2013 Condition.**
No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor Soluble Reactive Phosphorus, Total Nitrogen and Suspended Solids at specified monitoring points in the River Clun. The content of the Strategy shall include the following.
 - a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, trigger and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from the monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development will still deliver the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly in the planning application and then approved in the planning

consent. Monitoring required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the original approved scheme. Monitoring is required to ensure the protection of the River Clun SAC, a European Protected Site.

Planning Conditions (1-5) to be added to the decision notice if permission is granted:

1. No works shall be carried out other than in accordance with the approved plans and as shown on indicative site plan drawing number 9759 titled Ecological Mitigation Plan dated 6th March 2017. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.

2. Construction environmental management plans (Biodiversity) – BS 42020:2013 Condition

No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities
- b) Identification of “biodiversity protection zone”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the protection of the River Clun SAC, a European Protected Site.

3. BS 42020:2013 Condition

No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved construction method statement (CEMP). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: Since irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is often necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, e.g. by earth-moving machinery.

4. Ecological design strategy (ecological creation scheme) BS42020:2013 Condition:

No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation, enhancement and restoration has been submitted to and approved in writing to the local planning authority. The EDS shall be including the following.

- a) Purpose and conservation objectives for the proposed works
- b) Review of sites potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives
- d) Extended and location/area or proposed works on appropriate scales maps and plans e.g. fenced and planted buffer from top of the watercourse, planted bund to the south of the poultry units
- e) Type and source of material to be used, e.g. list of native species of local provenance

- f) Timetable for implementation demonstration that works are aligned with proposed phase of development
- g) Person responsible for implementing the works.
- h) Details of the initial aftercare and long-term maintenance
- i) Details for monitoring and remedial measures
- j) Details for disposal of any waste arising from works

The EDS will be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.

5. Landscape and ecological management plan BS 42020:2013 Condition

A landscape and management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five – year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still deliver the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

The Significance test

SC Ecology has identified that the proposed works in application No. 16/03334/EIA for the Proposal of Erection of 2 No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access at Hurst Barn, Clunton, Craven Arms, Shropshire SY7 0JA has potential effect pathways that could have a likely significant effect on the River Clun SAC (as detailed above). The Habitat Regulation Assessment process cannot be satisfied and an Appropriate Assessment is required.

The Integrity test

An Appropriate Assessment has been undertaken and mitigation has been proposed and secured through the planning process which will mean that the proposal will not have an adverse effect on the integrity of the River Clun SAC.

Conclusion;

SC Ecology has concluded that the proposed works under planning application No 16/03334/EIA for the Proposal of Erection of 2 No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access at Hurst Barn, Clunton, Craven Arms, Shropshire SY7 0JA, will have no likely significant effect on the River Clun SAC wither alone or in-combination. Therefore there will not be an adverse effect on the integrity of the European Designated Site at the River Clun SAC or the River Teme SSSI providing the development is implemented in accordance with the above conditions and submitted documents.

Conclusions

Natural England should be provided with SC Ecologist HRA. Comments should be received prior to a

Contact: Tim Rogers (01743) 258773

planning decision being made.

Summary of HRA conclusions

| EU Site | Effect pathway | HRA conclusion | Natural England agree: Y/N |
|------------|--|-----------------------|-------------------------------|
| River Clun | <i>Impact of ammonia emissions on the River Clun SAC.</i> | No significant effect | |
| River Clun | <i>Increase in sediment flow to the southern stream impacting upon the designated features of the SAC during construction.</i> | No significant effect | |
| River Clun | <i>Increase in phosphate/nitrogen from dirty water drainage treatment</i> | No significant effect | |

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

Contact: Tim Rogers (01743) 258773

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority is a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 3

FULL OBJECTION COMMENTS OF SHROPSHIRE AONB PARTNERSHIP

- i. Landscape: The Landscape and Visual Impact Assessment (LVIA) Non-technical summary p2, states; "The overall residual effect on the local landscape is therefore predicted as being minor and beneficial". We do not believe that the impact of any large industrial development in the heart of the Shropshire Hills AONB can be considered either minor or beneficial. We believe the LVIA seeks to downplay the importance and sensitivity of the AONB and the impact of the proposed development. The LVIA p20, states "Following the implementation and establishment of the planting works at Operational Year 10, the magnitude of change would remain as minor adverse and there will be no significant effect on this medium sensitivity landscape resource". The LVIA goes on to state: "The combination of a minor magnitude of change on a medium sensitivity resource will result in no significant effect". The LVIA should classify the Landscape Value as 'high' on account of the AONB designation, and the greater than doubling of the built footprint of this farm can only be described as a 'substantial' magnitude of change. The impact overall is therefore without doubt 'significant', and the mitigation measures proposed, while lessening the impact, do not make it acceptable.
- ii. The LVIA p21, seeks to justify the development, stating "There are some notably large clusters of modern agricultural sheds close by within the Clun valley"....."The proposed broiler sheds would result in no cumulative landscape effects with any of these existing farmsteads or poultry sheds". We disagree with this statement. Such an argument would allow progressive destruction of the AONB landscape where one poor development justifies the next, and this bears no relation to national and local policy on AONBs. The reality is in fact quite the contrary, recent constructions of a number of large agricultural buildings contribute to a creeping industrialisation of the Clun Valley, which in fact makes this part of the AONB highly sensitive to change resulting from further large buildings. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location specific policies protecting AONBs. Indeed the

very first policy paragraph within NPPF, Para 14 on the ‘golden thread’ of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where “specific policies in this Framework indicate development should be restricted.” The specific policy in Para 115 of the Framework states:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

The buildings in this application represent a significant expansion of the curtilage of the built footprint of the farm. We would argue that this constitutes ‘major development’ and so para 116 of NPPF also applies:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

If the development is not judged major, we contend that it should still be refused against other relevant policies.

- iii. Shropshire Council Core Strategy and SAMDev policies also indicate the great weight which should be applied to the AONB designation and indicate that this application should be refused:

Explanation to Policy CS5 Countryside and Green Belt, para 4.72 (extract) “whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy, in conjunction with Policy CS6 and more detailed policies in the SAMDev DPD, recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.”

Policy MD2 Sustainable Design, Explanation (extract): For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance.

Policy MD7 – General Management of Development in the Countryside: (explanation, para 4.66) The changing needs and effects of agricultural and other related enterprises in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings. General sustainable design criteria and development management considerations are as relevant to this type of development as other proposals in the countryside and the Plan seeks to balance the needs of the

countryside as a working environment with its role as a place to live and enjoy. The policy defines the primary considerations that will be taken into account in considering agricultural development proposals which require planning consent. Additional criteria set out in other relevant policy such as MD2 Sustainable Design and MD12 Natural Environment which, for example, highlights special requirements in the Shropshire Hills AONB, which would also need to be taken into account in considering applications. It should be noted that where appropriate, planning conditions will be attached to a permission to control the quality of the development and to ensure the scheme incorporates appropriate agreed mitigation measures such as coloured external cladding, landscaping and waste management;

- iv. Biodiversity: The proposed development is upstream from the River Clun Special Area of Conservation [(SAC) Natura 2000] and the River Teme Site of Special Scientific Interest (SSSI). The River Clun is designated as a SAC for its freshwater pearl mussel interest; it is of international significance and is one of only three rivers in England so designated. The International Union for Conservation of Nature (IUCN) identifies the freshwater pearl mussel as a 'Critically Endangered' 'Red List' species. In this context, the River Clun pearl mussel population represents a unique genetic resource requiring special measures to ensure its future survival. Over recent years the River Clun has been subject to extensive studies and an understanding of the situation relating to pearl mussels and the processes contributing their decline (and that of the River Clun SAC) has improved greatly in recent years. These studies have established that the mussels are in critical decline and unlikely to survive unless the pressures contributing to the deterioration of the SAC are reversed. Any proposed development in the River Clun Catchment should take into account the requirements as set out in the River Clun SAC Nutrient Management Plan see:

<https://www.gov.uk/government/publications/nutrient-management-plan-river-clun>.

The Conservation Objectives set by Natural England for the River Clun SAC include Favourable Condition Targets (FCTs) for in-river phosphorus (P), nitrogen (N) and sediment (suspended solids) concentrations. The targets have been set to protect freshwater pearl mussel from the adverse effects of nutrient enrichment and siltation. Due to cumulative and ongoing deposition of atmospheric ammonia and the spreading of poultry waste to land, this development if allowed, has potential to compromise the measures necessary to achieve the Favourable Condition Targets. The Hydrological Impact Assessment indicates that poultry manure is currently imported (c500 t/yr) and applied to the applicant's landholdings, and suggests the proposed poultry unit will not increase the overall nutrient application to land within the catchment. We are concerned that increasing numbers poultry units in the catchment are generating amounts of Nitrogen-rich poultry waste with little evidence to indicate that such waste is being exported from the Clun Catchment. If development is allowed it will also compromise efforts to meet Water Framework Directive (WFD) targets for the River Clun. Here, we take issue with the Hydrological Impact Assessment report which claims that the River Clun meets "Good Status" under WFD. In fact it is currently failing to achieve this statutory target and is currently classified as "Moderate". The conclusions of the Ammonia Report appear to be based on assumptions, and underplay the impact of deposition. We are concerned that this development will add to the cumulative impact of deposited atmospheric ammonia in the catchment and in particular how it impacts on the River Clun SAC and Clunton Coppice SSSI. Studies by Centre for Ecology and Hydrology (CEH) have shown that ammonia deposition derived from poultry units of this size is damaging to ecosystems adapted for low levels of nitrogen and that critical exceedance loads are observed 2.8km upwind. The River

Clun SAC and Clunton Coppice SSSI are protected because of their exceptional ecology. Maintaining extremely low nutrients levels is fundamental to ensuring their wellbeing. In recent years significant financial resources have been directed at the River Clun to help meet statutory targets. Despite these efforts the Clun continues to fail to meet these targets. The River Clun is one of a number of UK freshwater sites under the European Natura 2000 network. In November 2015 these UK freshwater sites were subject to a Judicial Review which found that the UK Government is failing to adequately protect these sites. Subsequently, the High Court issued legally binding Consent Order which requires Environment Agency to review measures and mechanisms for each water-dependant Natura 2000 site - the River Clun is a pilot for the Consent Order.

- v. This development is of concern and should it go ahead it would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition. The following Natural Environment policies apply:
Policy MD12 Natural Environment (Explanation)
4.113 Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets. Natural assets include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity;
4.114 Such assets provide ecosystem services including; flood relief; soil retention; climate change mitigation and adaptation; carbon sequestration; interception of airborne pollutants; water filtration; amenity value; health and well-being benefits and opportunities for tourism and recreational activities. These services are essential to a thriving economy;
4.115 Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Great weight will also be given to conserving and enhancing the natural beauty of the Shropshire Hills AONB, having regard to the AONB Management Plan. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Major developments in Areas of Outstanding Natural Beauty; Ancient woodland, other irreplaceable habitats and aged or veteran trees; Pollution – including noise, water, air and light pollution Further details are given in the Natural Environment SPD;
- vi. The following policies of the Shropshire Hills AONB Management Plan 2014-19 also indicate that this application be refused:
Valuing the AONB in Planning and Decisions - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.
Encouraging a Sustainable Land Management Economy - Agricultural development. Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.

Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

http://www.shropshirehillsaonb.co.uk/wpcontent/uploads/2010/10/Agricultural_Buildings_Design_Guide3.pdf

APPENDIX 4

DETAILED SUMMARY OF PUBLIC REPRESENTATIONS

1. Support comments:

- 1.1 Amenity impacts: We had initial concerns about the development but having visited other similar sites these were allayed and since the development has been constructed and operational we have not experienced any unpleasant smells, noise or disturbance from additional traffic. The building has been shielded by a bund and is not intrusive on the landscape. We see no reason why this would be any different at Clunton. There have been concerns raised about increased traffic and odour from these units. Having lived but 3 fields away from an existing broiler unit for a number of years I can say rarely do you have any smell of chicken manure. There was a slight increase in traffic whilst the unit was being built, but the work was carried out in normal working hours and was hardly noticeable. We have been friends with the applicant and his family for over thirty years and are able to attest to their excellent reputation and high farming standards. Regards to comments on pollution, I suggest a visit to a working broiler unit, they are more hygienic than most hospitals. Clun Valley has already got a number of poultry businesses operating within the parishes. As yet, I am to hear any words of complaint about any of them. The issues brought up by the objections to this application are, in my opinion, somewhat misconstrued. 1) The concerns of noise from the proposed development at Hurst Barn, according to the Environmental Statement, is highly limited. The main property in which it affects is the home of <the applicant>. 2) The odour seems to be a subject which again has been commented on with no real evidence as to the effects. Currently a number of loads of chicken manure is stored on land adjacent to Clunton village and has been for a number of years. This has attracted no complaint from local residents to date, and therefore the issue of odour holds no real grounds. The ES does state that deliveries and collections to and from the completed development would be done in a method that is respectful of neighbouring residences. Therefore, showing the applicants willingness to keep disruption to a bare minimum. The well thought out landscaping plan should mean that the site is not visible from the road where the vast majority of people would see the development, so I don't believe that it would impact the economy negatively. As we are Richard and Katie's closest neighbours living on the side of the B4368, we see no problem with the proposed planning for the two chicken sheds. I think it is nice to see a young farming couple wanting to develop and commit to such a project to secure the future of the farm. After seeing all the surveys that have been carried out, we can see the project has been thoroughly thought through. I worked in Chicken houses in my teens and there was no danger of pollution or disruption to locals. There are all sorts of farm smells in the countryside, any smell that may come from the sheds will be no worse. Living in the countryside is not about green fields and trees it about the animals, hay making, food production and keeping and supporting our local farmers. As the new buildings will be below the height of the present buildings and a planted bund will be built round the sheds they should be relatively hidden.
- 1.2 Reassurance regarding manure spreading: Most of the nutrients in chicken manure are immediately available as a nutrient source to the planted crop and allow a significant reduction in the need to feed energy intensive artificial fertiliser. To ensure the maximum efficiency the manure must be ploughed in very soon after application which

also reduces the risk of unpleasant smells. Manure also encourages soil bugs and a healthy earthworm population, improving soil structure, permeability, reducing run-off and erosion. The farm has been nutrient mapped so excess applications can be avoided. Spreaders use GPS and buffers are applied to watercourses. Manure heaps are sighted carefully away from private dwellings and water courses and are never in the same place for the next two years. Mr Jones has been importing, storing and applying chicken manure on this farm for the last sixteen years and has never once had a complaint over the smell.

- 1.3 Benefits to local economy: We support local agricultural development as we live within a rural agricultural area where the farming economy is important for local jobs both on site and in related agricultural businesses. I am an employer of several personnel within the agricultural industry and my business depends fully on families like the Jones's to continue farming. Traditional farming enterprises are not as viable as they once were, so farmers need to find other more reliable income sources. A broiler unit is not only a viable enterprise but a suitable one as the demand for chicken has never been higher as it is the preferred meat for modern families as it's affordable. Poultry is a way of diversifying their business and also fulfilling the growing national demand for FOOD, this then leads to future sustained employment within the countryside. Most village businesses rely heavily on the farming community. At the moment most of my work is seasonal throughout the summer and autumn. My hours drop considerably through the winter months. With the erection of 2 chicken sheds, it will mean I have extra work to help sustain my hours and income. My partner works in one of the local rural nurseries and not only relies on the local children attending to support the running of the nursery, which Richards daughter attends, she also relies on the extra income of the part time work the chicken sheds brings when the chicks are put in every cycle. I am aware of the concerns that some residents have highlighted, but I do not believe they are looking at the bigger picture and the importance of rural businesses expanding and diversifying to make themselves sustainable. The farming industry within the Clun Valley remains vital. Not only for the sustainability of the area, but also for the environment. Without both of these, there would be no tourism. Without a sustainable farming industry, we lose the people who look after the natural environment. If we don't have these people who manage the land and farm to a good environmental standard, the environment suffers. This has a massive implication on the tourism offering within the valley. This project would have a multitude of economic benefits to the area during construction and operation. In an area with a small and aging population, every opportunity needs to be put into place to support these other businesses. Again, no farming sector in the valley, these other businesses will suffer creating a real economic downturn.
- 1.4 Local community benefits: We fully support the Jones family with this application, they are genuine locals trying to make a living. This family have been living in the Clun area for years and will remain so. The council should be providing more support to locals that are prepared to invest in the area. The countryside needs to encourage and keep the younger generation and help families like Richard & Kate to settle in the community. How do we expect villages to survive without the young families who wish to farm and live locally? Having been a member of the Clun valley YFC for nearly 10 years and from personal experience I have seen how difficult it is for young farmers to start out farming! The family have two sons so they are seeking permission to establish two poultry units at Hurst Barn in order that in time each son may have a viable business to run. We should like to emphasise the importance of maintaining a vibrant

and active community within the Clun Valley, which to our mind can only be met by encouraging our young people to remain in the area; to live, work and bring up their families supported by the generations of farming knowledge and love of the land behind them. The plans brought forward to develop a broiler chicken business not only sustains a farming business, but perhaps more importantly, sustains and encourages a young farming family to maintain their routes within an area in which they grew up and want to stay. It is encouraging to read from neighbouring properties that they support this application. These are the people who are likely to have the biggest issue with such a development. Instead of opposing this plan, they are embracing it. A community that has grown up with agriculture and a community that will die without it. Without the next generation being able to work here and develop their own ideas then we will no longer have a community.

- 1.5 Impacts on farming community: By opposing this application objectors send quite a strong message to other young farmers born and bred in the area. Clun Valley and wider South Shropshire wishes to become an area not for the young, who want to look for innovative ways to sustain a career, but for those who have made their living and now want to retire to an area for a quiet life, without any consideration for the fact that Clun and wider valley is and always has been a working area. Again, by not supporting a farming industry in an area which has been associated with agriculture for generations we lose the fabric of the community. By opposing one application will prevent others from trying.
- 1.6 Food production benefits: We support food production within the UK rather than imported goods. With the current economic uncertainty the UK needs to become more self sufficient in food production. This development gives farming a sustainable future.
2. Objector comments:
- 2.1 Arvon Centre: Arvon is a national charity running residential creative writing courses for schools, partnerships and the paying public from our three country houses, one of which is located 2 fields away from the proposed Broiler Sheds. We have been running courses from The Hurst for 13 years, bringing new visitors, inward investment and positive reputation to South Shropshire. We run courses for 45 weeks a year with approximately employing over 90 tutors and guest writers. We have also launched a writing retreat at the Clockhouse this year who wish to focus on their work and who find peace in the tranquillity and beauty of South Shropshire. The Clockhouse will open for 10 months in 2017 making our operation a total of 85 weeks across our estate. The Clockhouse will bring in a further 130 people and also a .5 permanent staff position. I am extremely concerned that all of this will be in severe jeopardy should the plan for the two Broiler Sheds go ahead. Currently one of strongest selling points is the fact that we can provide a unique environment that is in an area of great scenic beauty uninterrupted by increased traffic, noxious smells and any disturbance. All of this will be severely compromised should the Broiler Sheds go ahead. There is no doubt that our residents' sleep will be interrupted by the sound of the lorries in the night transporting the chickens to slaughter. Their writing and thought processes will be interrupted during the day with the noise of feed lorries and tractors. We have researched likely noise from the Broiler Sheds and we understand that there will be a low and continuous "humming" noise. This is the kind of thing likely to put off our paying customers along with potential light pollution, which although low level, significantly changes the dark skies. Our beautiful views will be destroyed by the erection of these sheds. The unique

landscape which is such an outstanding feature in this area offers Arvon a clear and distinctive asset. This is part of the package that attracts people from all over the world including Australia, America and South America. Many of these people return to visit with their families and friends spending money in the rest of Shropshire. It is questionable as to whether these people would pay to come on our courses if the landscape has been blighted by this development. We have young people and children with asthma, disabilities, allergies to dust and other allergies who come to experience creative writing on our courses. If the Broiler Sheds were to go ahead these people would not be able to come and therefore we would be excluding potential customers for Arvon and visitors to Shropshire. We also have serious concerns regarding the noxious smells that this will bring and the impact on our business. The economic impact for The Hurst, for our suppliers and ultimately for Arvon, as a whole, has potential to be catastrophic. We believe sales at The Hurst and retreat weeks at the Clockhouse will begin to decrease significantly as people choose not to come because their choice of the perfect writing environment has been so severely compromised. This will impact on our local suppliers, of which there are a number including our bank of local cover staff all of whom would face job threats were the numbers of customers to decrease. Arvon is an Arts Council of England National Portfolio Organisation, with an excellent reputation built over nearly 50 years, but like all arts charities every pound received is accounted for and we cannot afford to lose any business. Any loss of business here in Shropshire will also inevitably have an impact on the rest of Arvon in Devon, Yorkshire and London. Finally I should say that In 2013 we renovated the mansion with support from ACE and donations from individuals and trusts. One of our most distinguished tutors has called the renewed Hurst 'the most sophisticated writing centre in Europe.' Each year over 650 people come to learn the craft of writing at The Hurst, a third of them are children and disadvantaged adults. We employ a team of 12 locally-based people to run the centre all year round; we use shops and suppliers nearby to buy our food, locally grown wherever possible; we use local tradespeople to maintain our property and we employ local taxi firms every week. Altogether The Hurst's activities bring over £170,000 into the local economy each year. We know that many of our writers develop a bond to the landscape and return to enjoy the region as holiday-makers. The Hurst helps make the Clun valley a place where people want to live and work. Arts and culture make a real difference in south Shropshire and the Clun valley. They also make a powerful contribution to the nation as a whole, adding £7.7 billion to the UK economy for less than 0.1% of Government funding in England. They incubate talent that drives the commercial creative industries, one of the fastest growing parts of the UK economy. I would like to bring to your attention that the renovations recently completed by the Arvon Foundation there were in large part provided by public funds. Are the council suggesting that the better part of 2 million pounds of public money, funded by Arts Council England, in support of historic renovations and cultural and economic growth in the county is all for nought? Having spent an inspiring week at the Arvon centre at The Hurst I was saddened to see this planning application and hope it is turned down. This is a rare place for writers - many of whom travel from cities and towns across the U.K in search of somewhere with such genuine peace and quiet. Some like me have to wait years before they can afford to come. We leave energised and renewed, and profoundly grateful. This industrial unit will threaten the long standing reputation of this region as a haven for the arts and the national creative economy, compromising its future. The views of the site from the land owned by the Arvon Foundation at The Hurst are virtually dismissed. The site will be easily viewed by the hundreds of people who use this Centre each year. The local economic impacts of an extra chicken farm pale into insignificance in comparison to the wide ranging direct

and indirect economic benefits that The Hurst brings to the area, as well as the additional cultural benefits that accrue from the site and its activities. The historic gardens are under restoration, and as a picturesque designed landscape will be more liked to the surrounding valley. I have visited The Hurst on many occasions to take people on visits to its gardens and trees. I am, therefore, very aware of the impact that such farm buildings would have on the landscape, one which John Osborne said was truly the most beautiful in England, and on the residents who come to The Hurst for peace and quiet in which to write. To have extraneous noises and smells from this additional farm activity would not be acceptable nor conducive to the peaceful requirements of writing. To sit and write in the open air with the constant noise of extra traffic and intensive and offensive agricultural smells would just not be acceptable to residents and I could foresee numbers wishing to stay at The Hurst declining. One of the reasons for The Arvon Foundation choosing to make The Hurst one of its retreats was its very situation of peace and quiet with excellent views. This is why the Centre found it acceptable to spend so much extra funding on additional accommodation, the restoration of the Dovecote and other facilities. The funds were spent in the knowledge that the local situation would not change and the benefits of the spending would be enjoyed for many years ahead. As the Centre is also in the Shropshire AONB, one can readily understand why The Arvon Foundation felt that it would be safe to spend this funding. Considerable investment has been made in conserving and enhancing the buildings and landscape at the Hurst over recent years with the principal aim of providing a sustainable future for the Hurst. Arvon is striving to achieve this through providing a unique sense of place, a soothing and stimulating environment that encourages a wide audience of all abilities to develop its creative writing skills. The Heritage Assessment within the EIA fails to address the heritage significance of the The Hurst and the Visual Impact Assessment Illustrations (EIA Appendix 2) and Visual Impact Assessment Non-Technical Summary (EIA Appendix 7), lack sufficient information to enable an informed decision to be taken on the degree of visual impact. The Hurst, a typical early nineteenth century villa (listed grade II), its three associated grade II listed buildings Stable Block, Stable Block & Coach House and Dovecote) together with its historic designed landscape represent a significant historic and cultural asset. The Heritage Assessment fails to attach sufficient value to this entity and thus the potential negative impacts of the proposed development on these assets have not been fully evaluated. The historic designed landscape comprises a number of features which characterize a typical nineteenth century villa landscape, including woodland, some 2.5 hectares (approx. 6 acres) of gardens containing areas of lawn, some fine trees, extensive shrubberies, terracing and winding paths and drives, mill pond, walled kitchen garden and orchard. This historic designed landscape while, although not of sufficient significance for national designation, should be considered for addition to the list of local heritage assets and the County Historic Environment Record updated accordingly. The list descriptions for the four grade II buildings at the Hurst were produced in 1985, one year before the arrival of John Osborne and therefore lack any mention of this renowned author. John Osborne chose the Hurst for his retreat chosen for its tranquil location and "the best view in England".

- 2.2 Industrial development: We already have too many of these types of industrial farming projects in the county and in nearby counties. This is an industrial development, not a farming enterprise. It will mean trucks of effluent/excrement passing thorough a tiny town with narrow roads that are already struggling to cope with the size/frequency of vehicles that use them, causing damage to bridge and buildings and which are vulnerable to spillage. I understand the need for sustainable ways to support

agricultural livelihoods and the local economy, but I believe that this sort of development in this sensitive landscape and context is neither appropriate or desirable. We want to see the next generation of farmers succeed in making a living from the land, but I believe that the community, local landscape and environment should not have to justify such developments based on arguments about agricultural economics and viability of individual holdings.

- 2.3 Visual impact / AONB: The siting of the unit is very close to the River Clun in an area of Outstanding Natural Beauty. I believe that the size of the proposed development will have a significant negative visual impact from the surrounding hills. The natural environment in the area is beautiful, tranquil and relatively unpolluted and this development stands against all those appealing features which bring tourists (particularly walkers and cyclists) here and paying clients to the Arvon Centre at The Hurst. AONB's have in planning terms the same landscape status as National Parks, and these types of developments will create irreversible detrimental negative change within it. In national policy terms the LVIA has not taken proper account of the NPPF policy relating to AONBs. No assessment of the impact of the development on the special qualities of the AONB is included in the LVIA. The irreversible loss of grassland (and soils) to hard standing and sheds is a material change to the fabric of the landscape that in no way is mitigated by planting trees on other grassland. The site development boundaries have been drawn tightly to the proposed buildings. Proposed screening is so close to the building that it cannot effectively do what it is supposed to, even huge bunds with planting will not conceal the buildings from the surrounding valley and hillsides, especially with reflective PV's covering the roof space. Over the following years parts of the woodland will be partially or fully cropped, cleared and restocked. Thus the views over the development site will change and evolve, not stay static. As management takes place the site will be clearly viewed from the plantations. From the supplied information, it is almost impossible to understand the full visual impacts of the development, there are not photomontages or mock ups of how the buildings will really sit within this landscape. The site layout plans do not show the actual in situ profile of the new buildings from near or far. Integration of these types of sheds into rural landscapes can be successful, but it is quite clear that buildings of this size and scale (nearly 500 m²) will have real problems simply blending into the Clun Valley. The proposed development will be very prominent in an "area of outstanding natural beauty", situated on the valley floor it will be a visible eyesore from all directions, surely vastly affecting the principles of AONB,s. Should this be successful will it lead to further development in the area? The Landscape Proposals drawing (Drg. No.274-01) shows that the new platform on which the sheds would be sited to be some 2.00 metres above existing ground levels at the south-east corner where the banking will be relatively steep. The addition of the berm along the southern edge of the platform will add a further 1.00 metre at this point, so nowhere near as subtle as the consultant claims. There are no photomontages included in the visual appraisal only photo panoramas, which show the proposed development site highlighted in red dotted outline, thus giving no indication of scale, height or form of the proposed buildings in context. The only section shown through the buildings (Section A on plan) runs north south and illustrates a more gentle intervention in the landscape whereas a section taken longitudinally would show a much cruder intervention in the landscape with "fill" running out into the existing hedge bottom. The sheds would consequently be very prominent on this "escarpment" when viewed from the east and south-east. The character of the unbroken linear form of the proposed tree planting surmounting the berm is uncharacteristic of the hedgerows in this part of the valley where trees tend to

be more sparsely and irregularly spaced. Such a feature is more likely to draw the eye rather than deflect it. Arvon through sensitive management is in the process of recovering this designed landscape and reopening strategic views including those looking east along the Clun Valley. The proposed broiler shed development will significantly compromise these views and thus undermine a key characteristic of the place that inspired John Osborne to choose this location for retirement.

2.4 Pollution / Ecology: The likelihood of the leakage of effluent from this development is high and this could cause untold damage to the river and other rivers downstream. I understand that the whole catchment is subject to a judicial review under EU planning laws for not complying with an environmental directive. Until this is resolved and complied with, I do not think this decision can proceed. I believe that there is a risk of a significant negative impact upon the designation of the nearby internationally important Clun Valley SAC through pollution of the watercourse. Although this site is currently located approximately 12 km downstream from the development, I believe that a proposed location for the release of freshwater pearl mussels is within 2 km downstream of the development, in the village of Clunton. The HRA relies on the Hydrological Report that is predicated on the poultry manure from the development being removed at shed clearing from Hurst Barn to hard standing at Acton but Halls have confirmed that this will not be the case and that the manure will be stored at Hurst Barn. The Hydrological Report Section 6.2 states that toxic contamination of the River Clun could occur from run-off water from dirty washings or manure storage heaps. Halls have also restated that the dirty washings, containing biocidal agents and human excrement, will be spread on land at Hurst Barn. Need to properly assess potential cumulative effect with other nearby poultry units at Clun, Guilden Down and Walcot Farm. The river Clun is particularly vulnerable, being close by. It is one of the last refuges of freshwater pearl mussels and also has dippers, kingfishers, otters and more. Once polluted it will lose this special, fragile fauna which does not have the luxury of relocating. We have a population of great crested newts within a pond in Clunton, I would like to enquire as to whether suitable surveys have been carried out to confirm the presence or absence of this protected species within the vicinity of the development? There is a chance that part of this extraordinary ecological diversity will be lost due to the effects of the proposed development. Schedule 1 applications need to provide data based on the "whole" development intention. Information has been identified referring to 4 sheds and 185,000 birds and therefore the HRA must take this expansion into account. Bats, a European Protected Species, are mentioned on page 2 of the HRA. However no information is provided as to the effect on bats of the continuous "tonal hum" from the ventilation fans. The relief of the Clun valley is conducive to flooding hence manure can be washed off fields. Much of the Clun Valley is AONB and several of the rivers are designated SSSI's.

2.5 Amenity impact: The disturbance to the neighbouring rural population, through noise and smell, is likely to be high. As we are located in a valley, the prevailing west wind will cause strong unpleasant odours within the village of Clunton. I am aware that the prevailing wind is from the west and Clunton is to the east of this site and therefore in line for the dust and ammonia resulting from such a development and any potential health risks. I am particularly worried about the times when the valley can sit under a cloud for several days at a time, how will the ammonia disperse at these times? My home fronts onto the B4368 and I am worried about the increase in traffic the development would create especially at night when I am aware that lorry drivers are less likely to observe the speed limit. I live in a grade II* listed property just to the east

of the site in question. I know therefore that the prevailing wind comes the west, and often carries with it strong odours from fertilising operations, from much further west than the proposed chicken sheds. Living in a heavily listed property I do not have the opportunity to protect myself and family, or indeed future generations from the smell this development will inevitably produce. The above point is also relevant to noise (I cannot, and would not install double glazing), this will be greatly increased, particularly at night by heavy lorries to and from the site. The road is unsuitable for use by the sites related traffic. The Highways Agency having already for some years considered it necessary to divert such traffic a mile or so before the village anyway! Clunton already suffers from the storage of the Acton manure and the impact of its spreading close to Clunton. Clunton is at significant risk of high odour impact for at least 170 days (46%) of the year. Most of this spreading will occur in spring and late summer thus impacting community enjoyment of outdoor space.

- 2.6 Animal welfare: This way of managing birds for production is highly offensive from an animal welfare perspective and is not sustainable
- 2.7 Tourism: The site is directly adjacent to a tourist route in an A.O.N.B where tourism is a large contributor to the local economy. The area attracts a lot of tourism, valuable I'm sure to many local businesses, it is also extremely popular with walkers. Developments of this nature will do nothing to encourage visitors to the area. Clunton is both a working village and a tourist village. The Crown Inn has been awarded second best place in the best rural pub awards. B&B's at Bush Farm and The Lodges would be hit if tourist interest declined. Tourists, locals and walkers like to pass through this landscape without having to navigate clouds of ammonia.
- 2.8 Traffic: The road through Clunton is already extremely busy and traffic travels too fast.
- 2.9 Other: No detail on alternatives. Limited architectural and engineering detail. Failure to conform with industry best practice. Movement of biohazardous waste over significant distance – open trailer manure transport – no waste carrier details provided. Contradiction over whether or not waste materials will be stored on site. Challenge to calculations on manure production (applicant estimate of 1000tpa conflicts with independent assessment of up to 5100tpa), feed requirements and vehicle movements (objector estimates 4-5000tpa and 2-250 visits per year). Given this challenge to the applicant's estimates potentially thousands of tonnes of manure could need to be stored on site, potentially nearer to sensitive receptors. Failure to take account of importance of tourism to the local economy. Too close to public highway. Human excrement and chemical residues being spread to land. Inaccurate information – documents at consultation event stated 4 sheds. Effect of replacing permeable field with impermeable surfaces. Hazardous ammonia levels on public highway could impact on road safety. Manure storage at the site is already unpleasant for road users. Dead birds will add to odour impact. Responsibility in the event of a safety or environmental incident. No detail on wheel wash and disinfection facilities. No manure management plan has been submitted although Natural England has been led to believe by the applicant that there will be a reduction in fertiliser application. The proposal to screen the buildings is contrary to the requirements for protection from avian flu where no such screening is allowed as it will attract birds and consequent health risk. Does not maintain and enhance countryside vitality or improve sustainability of rural communities. Does result in unacceptable adverse environmental impacts. No formal public meeting where questions could be asked. We are one of the closest properties

and should have been notified. I have a chronic chest complaint and chicken manure will not help my condition. Although the profit to the owner is calculated at £0.62 per bird (gross or net not stated but equates to c. £425,000 per annum for 2 sheds and £822,000 per annum for 4 sheds at Hurst Barn) the average salary per full-time employee in rearing is less than £20,000 per annum. Although demand for poultry is increasing the UK increased production from 760 million birds in 2000 to over 900 million in 2014 i.e. faster than the increase in domestic demand. Given the continuing rapid expansion of poultry units and the proliferation of applications in South Shropshire is the damage to the Clun Valley worth it for a planning gain of c. £20,000 per annum in the Hurst Barn application? SC has the legal responsibilities to safeguard public health and public safety of residents and visitors. The purpose of the planning system is to regulate the development and use of land in the public and national interest. Policy requires the maintenance of the quality of life for residents and visitors (quiet enjoyment). Quiet Enjoyment is a fundamental right enshrined in Common Law. It is a right to the undisturbed use and enjoyment of real property by a tenant or landowner. Policy requires that one form of business must not be to the detriment of another e.g. impact on local tourism and conference establishments etc. It is noted that in a previous consent for a poultry farm (12/02438/EIA) a planning condition was recommended for no HGV movements at night i.e. no depopulation of the sheds at night as well as restrictions on feed deliveries and manure transport. Why is SC not consistent in mitigating this impact across the many subsequent approvals? The Environment Agency requires that a poultry farm should be sited more than 400 metres from a road where feed is transported to other farms. This together with the absence of a number recognised bio-security measures at Hurst Barn plus the transport of manure on to other farms presents a very significant biosecurity risk to other local farms, including poultry farms. The Manure Management Plan for now states that the excess manure from Hurst Barn is to be sold to another local farmer for spreading. Expert opinion is required to determine the legality and licencing of such multi-farm transport and spreading of poultry manure. The Agent has stated to the Parish Council that Hurst Barn farm is not viable as it does not have long term security over the leased land. Equally this means that they don't have security over the bulk of the land that the manure is to be spread.

- 2.10 Petition: An online petition set up by an objector on 22nd November calling for the Government to intervene to prevent the development has currently attracted 476 signatures. The petition website advises that 'A E Housman's much-loved Shropshire landscape is now under threat from the proposed development of an industrial-scale chicken broiler plant. This Area of Outstanding Natural Beauty has been called the 'best view in England' by playwright John Osborne, but as highlighted on www.shropshirelive.com the countryside will be permanently blighted by this development: a visual eyesore of industrial units, the constant smell of ammonia, toxic dust and nightly noise from 44-tonne slurry lorries'.
- 2.11 Consultant's letter: A letter has been received from a planning consultant acting for an objector. The main point raised is the national policy presumption against major development within the AONB. The proposal is major as it is Schedule 1 EIA development. It is argued that the exceptional circumstance test for major development in the AONB is not met because the development would not be in the public interest. Therefore the applicant's claim not to have an alternative site available (the second test) is irrelevant. The consultant cites the decisions of the planning authority (and by implication the decisions of the South Planning Committee) to permit poultry

developments in the AONB) as a 'clear failure by the Authority to understand or address the NPPF policies restricting development within the AONB. The Authority is criticised for carrying out a 'balancing exercise' on one such application rather than establishing first that the development was exceptional and in the public interest. The amenity impacts listed by the consultant include a claimed underestimate of traffic levels and loss 1ha of best and most versatile agricultural land.